

The board then successfully asked the Portage County Court of Common Pleas to vacate the ruling.

The union challenged the trial court decision at the Eleventh District Court of Appeals, which reinstated the arbitrator's decision.

However, the decision conflicted with other appellate court rulings, leading the case to the high court.

"In conformity with our resolution of the certified question, we recognize that the court of appeals conducted a proper *de novo* review of the trial court's decision in this case vacating the arbitration award, reversed its decision, reinstated the arbitration award, and therefore we affirm its judgment," Justice O'Donnell wrote for the court.

In his decision, Justice O'Donnell noted that nine of the state's appellate courts applied a *de novo* review while three applied an "abuse of discretion" review.

Tenth District Court of Appeals Judge Lisa Sadler sat in on the case for former Justice Bill O'Neill.

### **Cordray Campaign Pledges To Protect, Expand Veterans Benefits**

Lieutenant governor candidate Betty Sutton on Wednesday unveiled her campaign's plan to safeguard health care benefits and create new employment protections for the state's servicemembers and veterans.

Ms. Sutton, the Democratic running mate of Rich Cordray, and former gubernatorial candidate Connie Pillich unveiled the campaign's policies regarding members of the armed forces at a press conference at the Statehouse Veterans Plaza.

The former congresswoman said the state has not done enough to support the men and women who are serving or have served in the military. She said enhancing services for veterans and better connecting them with existing resources would be a "top priority" in Cordray's administration.

"Too often our respect and admiration simply hasn't been matched by tangible action to help our veterans and servicemembers," she said.

The campaign's plan calls for the state to better fund county veterans services commissions to help them assist veterans making medical claims, offer incentives for employees who hire veterans with mild traumatic brain injuries, and protect the state's expansion of Medicaid for veterans who do not qualify for VA benefits.

Ms. Pillich, the head of the campaign's veterans policy team, said the "No. 1 concern" among veterans she has talked to throughout the state is health care. She said the Cordray campaign's plan would safeguard and expand important resources for servicemembers.

"Ohio veterans need much more than a specialty license plate," she said.

The former Ohio House member and U.S. Air Force veteran said the campaign also is proposing to include a box for veterans to check on state tax returns to allow the governor's office to identify them and connect them with available resources.

The plan also suggests the state protect the jobs of Army National Guard members who have been activated and allow spouses who lose their jobs because of a servicemember's transfer to collect unemployment benefits.

Ms. Sutton said she and her running mate also would make it a priority to take combat "predatory lenders" who target veterans.

"I can think of no leader with stronger credentials to do that than Rich Cordray," she said, citing her running mate's tenure as head of the Consumer Financial Protection Bureau.

Ms. Sutton, who previously served on the U.S. House Armed Services Committee, also pointed to Mr. Cordray's work on a successful 2009 ballot issue to authorize bonuses for veterans of conflicts in Afghanistan, Iraq and the Persian Gulf as evidence of his support for servicemembers.

"We owe veterans an enormous debt of gratitude, but our gratitude must be matched by tangible action by state government to improve the lives of veterans, servicemembers and military families," Mr. Cordray said in a statement. "Betty and I will fight every day in office to honor those who have served and provide them with the support they need to thrive in Ohio."

#### **Obhof OK With Legislative Look At E-School Enrollment Rules; OSU Joins Anti-Poverty Effort; Portman Bill Targets Tech Teacher Training; Auditor Issues Bus Study...**

Senate President Larry Obhof on Wednesday said setting standards for verifying e-school enrollment falls within the legislature's purview after a whistleblower's claims thrust a shuttered charter school back into the spotlight.

The chamber leader said after a nonvoting session that the body "should take a look" at how the state measures enrollment and funds such schools rather than fully deferring to ODE.

"When the legislature's able to do things or has the responsibility for doing things, it should be the legislature, not an administrative agency, that does that," he said.

The Associated Press first reported an employee of the Electronic Classroom of Tomorrow told Department of Education officials last year that the school demanded workers manipulate attendance figures after the state moved to recoup \$60 million in

payments. Within hours, the former employee's claim became an issue among candidates for attorney general and auditor. (See Gongwer Ohio Report, April 24, 2018)

Despite backing an examination of the issue by the legislature, Sen. Obhof (R-Medina) said he does not support "micromanaging all of the fine-tuned details" of the state's enrollment-verification process.

A bill (HB 611) sponsored by Rep. Keith Faber (R-Celina) and Rep. Kristina Roegner (R-Hudson) that would tie state payments to e-schools to the use of verifiable software that tracks attendance, class size and participation was introduced last week in the House.

**Alliance for the American Dream:** Ohio State University has received a \$1.5 grant after a philanthropic organization selected the school to participate in an effort aimed at bolstering the middle class.

Schmidt Futures, a group founded by former Alphabet Executive Chairman Eric Schmidt, announced this week it added OSU to its Alliance for the American Dream. The effort seeks to increase economic opportunities for working Americans and reduce poverty.

"We are delighted to announce that Ohio State will act as an inaugural partner in the Alliance for the American Dream," Mr. Schmidt said in a statement. "When I was in Columbus last December, I saw firsthand the energy and vibrancy of the campus and region. Columbus is a perfect place to find great, fresh ideas. We are delighted to support them as they fuel an innovation engine to help distressed communities and expand the middle class."

As part of the collaborative project, OSU will receive \$1.5 million in funding to engage business, community and government leaders in "in a robust brainstorming process," according to a news release from the school.

"As a modern land-grant university, Ohio State is committed to expanding opportunity, unlocking talent and increasing economic vitality," OSU President Michael V. Drake said in a statement. "We are absolutely thrilled to join the Alliance and to partner with individuals and communities on this important and timely endeavor. It's 'The Columbus Way' in action."

**Teacher training bill:** U.S. Senator Rob Portman announced the introduction of a bill aimed at establishing a grant program to support training for career and technical education teachers

"Quality CTE teachers play a key role in expanding access to high quality programs and making sure more students and parents recognize the value of a CTE education - all of which helps lead to more and better job opportunities for students," Sen. Portman said in a statement. "I'm proud to introduce this bipartisan bill to ensure that we have better prepared teachers for this generation and generations to come."

The Creating Quality Technical Educators Act would provide funding for one-year residencies at schools for potential career and technical educators.

Sen. Portman (R-Terrace Park) is co-chairman of the Career and Technical Education Caucus with Sen. Tammy Baldwin (D-WI) and Sen. Tim Kaine (D-VA). The co-chairs introduced the legislation alongside Sen. Shelley Moore Capito (R-WV).

The Alliance for Excellent Education, the American Federation of Teachers and the Association for Career and Technical Education have expressed support for the measure.

**Feasibility study:** Belmont County school districts could save money by combining their efforts to maintain school buses, according to a study called the "first of its kind" by the state auditor's office.

The Bellaire Local School District, the Bridgeport Exempted Village School District, the Shadyside Local School District and the St. Clairsville-Richland City School District requested the state perform the study after seeing the number of bus riders decrease in recent years.

The study found the districts could operate more efficiently and save money by combining some maintenance efforts. Legislation (HB5) that took effect in 2016 gave the auditor's office the power to study the feasibility of potential efforts to share services among local governments.

"Ohio has thousands of local government entities, which has the advantage of keeping government close to the people, but the drawback is duplication of effort," State Auditor Dave Yost said in a statement. "Sharing services can keep government close to the people while reducing redundant administration, facilities and equipment. This saves money and improves efficiency for taxpayers. It also is a way to continue providing an adequate level of service even if costs rise or budgets shrink."

#### **Space Embarks On Tour To Highlight Corruption; Cordray Launches New Ad; Yost Gets SEIU Backing...**

Zack Space announced that he is embarking on a two-day, five-city tour detailing the "corrupt culture on Capitol Square."

The state auditor hopeful in a statement cited the Electronic Classroom of Tomorrow scandal and the resignation of former Speaker Cliff Rosenberger as examples of the "the pervasive culture of corruption."

"We must take state government back from the self-interested incumbents and campaign contributors who put their special interests above the needs of ordinary Ohioans," he said in a statement. "That's why I am calling for a wide-ranging criminal investigation into ECOT and for the politicians who aided and abetted this scam to

donate every cent of campaign contributions received from ECOT founder Bill Lager and his associates to charities supporting Ohio public schools."

The tour included Wednesday stops in Youngstown and Steubenville and will head to events in Dayton, Toledo and Lima on Thursday.

**New Ad:** Democrat Richard Cordray is up with his second television ad in his gubernatorial campaign.

In "Save," the former director of the Consumer Financial Protection Bureau touts his record of protecting consumers.

"As treasurer, Cordray safeguarded your tax dollars. As attorney general he recovered \$2 billion that Wall Street stole," the narrator says in the 30-second spot. "That's why President Obama chose him to be our nation's top consumer watchdog."

**SEIU Backing:** Senate Minority Leader Kenny Yuko, who faces a primary challenge from Rep. John Barnes (D-Cleveland), announced on Wednesday the Service Employees International Union District 1199 WV/KY/OH is backing his candidacy.

In announcing the endorsement Anthony Caldwell, director of public affairs, in a statement cited the Richmond Heights Democrat's three-decade career as a union organizer.

"Yuko's career as a 30-year union organizer reinforces and guides his principles to support the people of his district and determination to help those who are most vulnerable. He wants families in the 25<sup>th</sup> Senate District and across Ohio to earn fair wages, a quality public education, and access to healthcare coverage," he said.

**Union Endorsement:** Franklin County Recorder Danny O'Connor picked up another endorsement in his bid for the Democratic nomination in the 12<sup>th</sup> Congressional District.

The Communications Workers of America Local 4502 announced Wednesday that it is backing his candidacy. President David McCune in a statement said Mr. O'Connor will fight to protect working families.

"Danny has a passion for issues that affect hard working men and women such as creating economic opportunity and jobs for Ohio, improving our education system, and safeguarding our voting rights and the commitment to work for families," he said.

**Farm Bill:** The Ohio Farmers Union announced Wednesday its opposition to the U.S. House's version of the farm bill.

President Joe Logan said the proposal "turned a blind eye toward the urgent needs of farmers for a strong safety net" and "to the nutrition needs of America's least fortunate in both rural and urban communities."

"The Congress and administration have clearly demonstrated a willingness to explode the federal budget deficit by giving a \$1.5 trillion tax cut to wealthy corporations and individuals," he added. "When rural America asks for a far more modest budget request, they can't manage to find a way to lend a hand."

**BWC Rebate:** In the wake of the Bureau of Workers' Compensation's announcement that it is issuing an employer premium rebate to the tune of \$1.5 billion, the Ohio Association of Justice is questioning a challenge to an appellate court ruling that found some "scheduled loss awards" should be paid in lump sums.

BWC was paying those awards to workers who suffer amputations or loss of use due to industrial injuries on a biweekly basis.

"It is time to ask, when did the Ohio workers' compensation system stop being about injured workers?" John Van Doorn, government affairs director, said in a release. "We are all in favor of job creation in this state, but let's share some of the BWC's financial surplus with the injured workers who the system was constitutionally created to protect."

**Advocate Seeks KY Seat:** Longtime Ohio Statehouse fixture Col Owens is looking to enter the other side of the legislative political realm - just in another state.

Mr. Owens, who served for 30 years as senior attorney for the Legal Aid Society of Southwest Ohio and was involved in Advocates for Ohio's Future and other groups backing health and human services funding, is running as a Democrat in Kentucky's 69<sup>th</sup> House District.

The lifelong Kentucky resident's candidacy is the subject of a fundraiser next month at the home of former Ohio Rep. Ted Celeste and wife Bobbie, 1230 Oakland Ave. in Grandview Heights.

Those interested in attending or seeking more information on the event, set for 5:30-7 p.m. May 10, should RSVP to Cathy Levine at [cathylevine@gmail.com](mailto:cathylevine@gmail.com) or 614-313-7478.

#### **Sign Up For Gongwer Text Alerts**

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For questions about Gongwer bill tracking services, contact Gongwer at [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com) or 614.221.1992.

## **Governor's Appointments**

**Columbus State Community College Board of Trustees:** Rick Ritzler of Galena (Delaware Co.) has been appointed to the for a term beginning April 25, 2018, and ending August 31, 2023.

**Waterways Safety Council:** Amy Dingle of Dayton (Montgomery Co.) has been appointed to the for a term beginning April 25, 2018, and ending January 30, 2021.

## **Supplemental Agency Calendar**

**Friday, April 27**

STEM Designation Committee, 25 S. Front St., Columbus, 9:30 a.m.

**Wednesday, May 9**

Veterinary Medical Licensing Board, Rm. 1914, 77 S. High St., Columbus, 8:30 a.m.

**17 S. High St., Suite 630**

**Columbus Ohio 43215**

**Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)**

**Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers**

**Click the  after a bill number to create a saved search and email alert for that bill.**

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## **Daily Activity Planner for Thursday, April 26**

### **Legislative Committees**

No legislative committees scheduled.

### **Agency Calendar**

**BWC Board of Directors, 30 W. Spring St., Room 3 on Level 2, Columbus, 8 a.m.**  
**Facilities Construction Commission, Rm. 121, Statehouse, Columbus, 1:30 p.m.**

### **Event Planner**

**Deadline to file pre-primary campaign finance reports**

**Rep. Glenn Holmes (D-McDonald) fundraiser, Vernon's Italian Ristorante, 720 Youngstown-Warren Road, Niles, 5 p.m., (Event Sponsor \$1500, Supporter \$1000, Friend \$500, Table Sponsor \$300, Individual \$60 to Committee to Elect Glenn Holmes)**

**Rep. Nathan Manning (R-N. Ridgeville) fundraiser, Berry's Restaurant, 15 W. Main Street, Norwalk, 5 p.m., (Sponsor: \$250 to Nathan Manning for Ohio)**

**Rep. Anne Gonzales (R-Westerville) fundraiser, Aloft Columbus Westerville, 32 Heatherdown Drive, Westerville, 5:30 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$250 to Citizens for Anne Gonzales)**

**Rep. Hearcel Craig (D-Columbus) fundraiser, The Lincoln Cafè, 740 E. Long St., Columbus, 5:30 p.m., (\$250, \$100, \$50, \$25 to Friends of Hearcel F. Craig)**

**17 S. High St., Suite 630  
Columbus Ohio 43215**

**Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)**

**Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers**

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**From:** Miller, Brad  
**Sent:** Monday, April 9, 2018 3:46 PM  
**To:** Willamowski, Sheila; Lenzo, Mike; Kasych, Shawn; Best, Carolyn  
**Subject:** Fwd: Speaker's travel  
**Attachments:** image001.jpg

Sent from my iPad

Begin forwarded message:

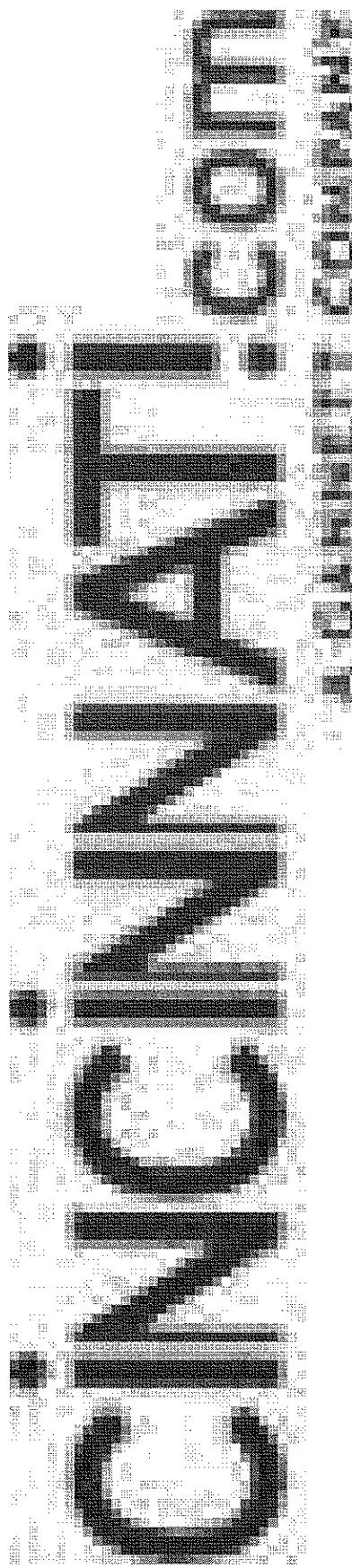
**From:** "Balmert, Jessie" <[jbalmert@gannett.com](mailto:jbalmert@gannett.com)>  
**Date:** April 9, 2018 at 3:40:42 PM EDT  
**To:** "Brad.Miller@ohiohouse.gov" <[Brad.Miller@ohiohouse.gov](mailto:Brad.Miller@ohiohouse.gov)>  
**Subject:** Speaker's travel

Brad,  
We are working on a story about the speaker's travel to other cities and countries, sometimes paid for by other groups. Much is documented in financial disclosures and campaign finance reports. Wanted to give Speaker Rosenberger an opportunity to respond – what is the value of those trips? Any concerns about groups like ALEC, GOPAC, NCSL reimbursing travel expenses?

Thanks,  
Jessie

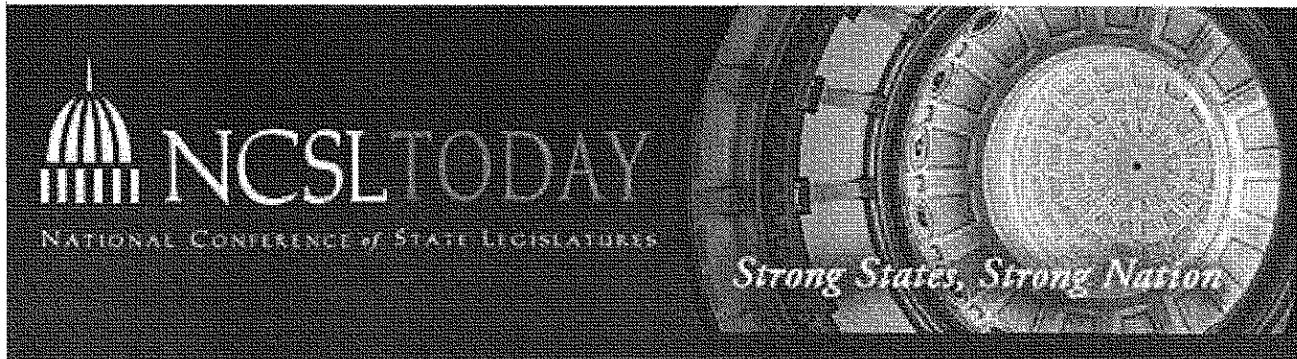
Jessie Balmert  
State government reporter  
740-973-4536 | [@jbalmert](https://twitter.com/jbalmert)





**From:** NCSL TODAY  
**Sent:** Thursday, April 26, 2018 11:46 AM  
**To:** Kasych, Shawn  
**Subject:** More states allowing community colleges to offer four-year degrees

[NCSL Today | Manage your subscription](#)



## TOP NEWS April 26, 2018

### More states allowing community colleges to offer four-year degrees

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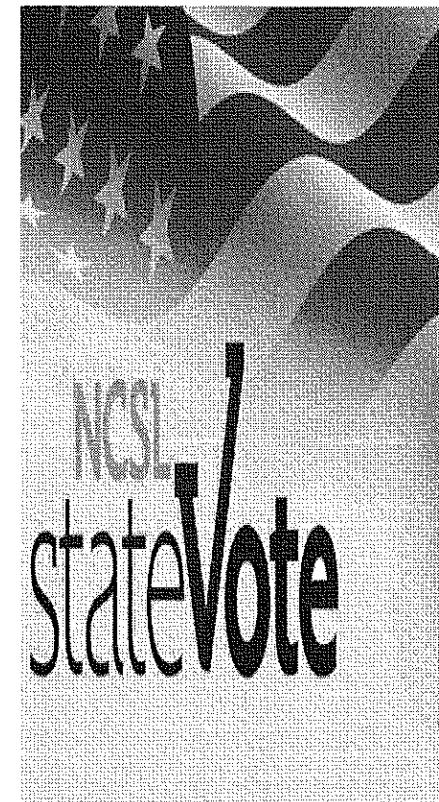
*Stateline*

As college costs rise and state officials look to accommodate nontraditional and low-income students, more are turning to community colleges to develop programs for industries with a lot of need — sometimes irking officials at four-year universities in the process.

### Oklahoma aims to boost its economy by solving government problems

*Route Fifty*

The state's tech team has an ambitious plan to fuel the state's technology sector; it's early, but they may be on to something.



## **No dice: Florida lawmakers fail to reach deal for gambling special session**

*Orlando Sentinel*

Senate President Joe Negron said that while "significant progress" had been made between House and Senate negotiators on a deal to offer slot machines in some counties while attempting to reduce gambling outlets statewide; they failed to reach an agreement.

## **Tennessee lawmakers OK making locals help detain immigrants**

*Associated Press*

Tennessee lawmakers have passed legislation to require state and local law enforcement to detain immigrants for deportation for federal officials without requiring warrants or probable cause.

## **Minnesota lawmaker ends House floor sit-in to protest inaction on gun control laws**

*Minneapolis Star Tribune* = A

A DFL state lawmaker concluded a 24-hour sit-in on the floor of the state House on Wednesday morning, urging gun-control advocates to keep pushing lawmakers to tighten gun laws in Minnesota.

## **How cities fell out of love with sports stadiums**

*Governing*

Major league teams used to get everything they wanted from sports-mad cities. Now they have to fight for it -- and increasingly, they're losing. **NCSL data cited.**

## **NCSL launches StateVote 2018**

Voters in nearly every state will go to the polls on Tuesday, Nov. 6, to determine the outcome of 6,066 legislative races. Thirty-six governorships are up for election this year as well.



## **LegisBrief: Examining scope of practice**

### **Notable documents award**

**Registration open for 2018 Legislative Summit, July 30-Aug. 2; You'll love L.A.**



## **Supreme Court hears oral argument in Texas redistricting case**

In *Abbott v. Perez* a number of persons and advocacy groups challenged the Texas Legislature's 2011 state legislative and congressional redistricting plan claiming it discriminated against black and Hispanic voters in violation of the Constitution's Equal Protection Clause and the Voting Rights Act.

State Legislatures magazine story on improving odds  
that taxpayer-subsidized stadiums will succeed.



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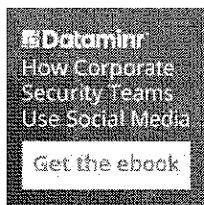
7700 East First Place, Denver, CO 80230

**From:** Utility Dive  
**Sent:** Monday, April 30, 2018 10:50 AM  
**To:** Kasych, Shawn  
**Subject:** Apr. 30 - Utilities, oil interests clash over EVs | PG&E fined \$97.5M in San Bruno case



## Utility Dive's Top News

Daily edition | April 30, 2018



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### Using Social Media for Corporate Security

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## Utilities, oil interests clash over EV policy at conservative policy summit

The battle at the American Legislative Exchange Council shows how utility interests are diverging from those of the oil and gas sector in an era of growing renewable energy and electric vehicles.

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## **California fines PG&E \$97.5M for improper talks in San Bruno pipeline case**

It's the latest in a series of fines totaling more than \$2 billion and related to the 2010 natural gas pipeline explosion, which killed eight and destroyed a neighborhood.

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### DEEP DIVE

## **Illinois energy law revives renewables while aiding nuclear**

The Future Energy Jobs Act is also expanding energy efficiency in the state, but the nuclear subsidies are being challenged in court.

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## **High fidelity data management matters for GIS**

New enhancements in GIS allow utilities to keep their network data at a much higher level, becoming a digital twin of the network.

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## **Michigan OKs \$952M cost recovery for DTE gas plant**

Opponents of the 1.1 GW facility say solar, wind, energy efficiency, demand response and storage would be cheaper and could save customers \$300 million to \$1.1 billion.

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### **Texas regulators approve Xcel's \$1.6B wind expansion**

New Mexico regulators gave their OK to the 1.2 GW plan in March.

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### **DOE gives \$60M for advanced nukes, but industry wants better regs**

There is growing interest in small modular reactors, but the licensing process must modernize along with the technology, according to a new Nuclear Energy Institute report.

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#### **DEEP DIVE**

### **The innovations just keep coming in the corporate-utility deal space**

Utilities and corporate power buyers are finding new innovations in their collaborative efforts to drive the growth of renewables and cut emissions.

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Zypryme to learn how the utility industry is adapting to new technologies. Advanced sensors and sensor fusion, edge devices, artificial intelligence, and machine learning are all coming together to create the maintenance center of the future.

## **WHAT WE'RE READING**

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■PLATTS

**PJM CEO touts benefits of new market amid shifting dynamics in the West**

■BLOOMBERG

**'Cyber blindspot' threatens energy companies spending too little**

---

THE STATE

**SC officials again back SCE&G in fight with solar industry**

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NEWS OK

**Lawmakers take aim at wind energy subsidy**

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GREENTECH MEDIA

**First Solar to open a new US manufacturing plant**

---

CLEANTECHNICA

**\$10 million EV charging infrastructure plan approved by Ohio PUC**

Suggest a story we should read

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**UPCOMING EVENTS**

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## California's Blueprint to Clean Power and Electrification

May 9, 2018 - May 9, 2018 | Webinar 2 PM ETD

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## VERGE Hawaii: Asia Pacific Clean Energy Summit

June 12, 2018 - June 14, 2018 | Honolulu, HI

## DIVE INTO A TOPIC

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Generation	Demand Response
T&D	Regulation & Policy
Solar & Renewables	Technology
Energy Storage	Corporate News
Distributed Energy	

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**From:** Brian Hicks  
**Sent:** Tuesday, May 1, 2018 8:20 AM  
**To:** Kasych, Shawn  
**Subject:** Hicks Partners Newsletter



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PUBLIC RELATIONS

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GOVERNMENT AFFAIRS

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**May 1, 2018**

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**Countdown to Ohio's Primary Election =**

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One week from today, Ohio voters will determine which candidates will face off in the race for Governor, U.S. Senate and a host of federal and state offices. As the primary election nears, the marquee races have clearly tightened. A recent poll shows Mike DeWine leading Mary Taylor by 43-26% in the GOP gubernatorial race, while Richard Cordray holds a 27.5-13% edge over his nearest rival, Dennis Kucinich. While upsets can occur, if the polls hold true, DeWine and Cordray will face off in the fall, giving Ohio voters a rematch of their 2010 race for Attorney General, which DeWine won. In the GOP Senate primary, Congressman Jim Renacci, who scored a resounding endorsement from President Trump last week, is leading a multi-candidate field with 21% to take on Senator Sherrod Brown in the general election.



Other key races to watch will be contested primaries for the 12<sup>th</sup> and 16<sup>th</sup> Congressional Districts, respectively vacated by Pat Tiberi and currently held by Rep. Renacci. There are several contested primaries for the Ohio House of Representatives that could have an impact on who will be the next Speaker of the Ohio House.

**INSIGHT**

The first order of business for the winning candidates for governor will be to unite their respective parties. The DeWine-Taylor race has been especially hard hitting and personal, while the Democratic primary has shown deep ideological divisions in the party. Both gubernatorial nominees will have their work cut out for them to present a unified front for the fall campaign.

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## Ohio Tax Expenditure Review Committee

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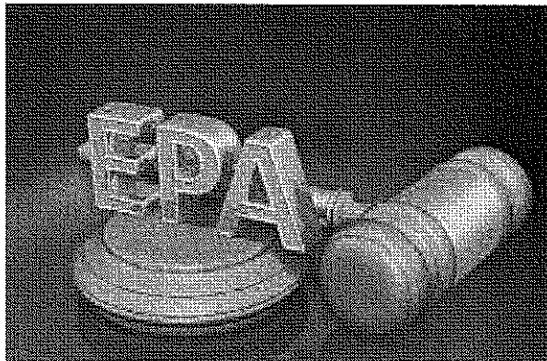
As previously reported within *Insider*, the Ohio Tax Expenditure Review Committee awoke last month, holding its first two hearings in months. A report released by the Buckeye Institute highlighting \$1.8 billion in annual tax loopholes drew widespread attention before the first hearing. However, testimony presented on April 11 primarily focused on tax exemptions for the manufacture and packaging of tangible personal property—something not included in the Institute's report. Industry interests bemoaned the possibility that Ohio would cease to be competitive in an

environment where most other states have similar exemptions. The April 25 hearing focused on energy and commercial food tax incentives. The next hearing is scheduled for May 9.

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## EPA Omnibus Bill

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The Ohio legislature is gearing up to consider a series of environmental reforms. At the request of the Ohio Environmental Protection Agency the yet-to-be-introduced omnibus bill is expected to contain major changes to Ohio's state watersheds protection efforts, air permitting process, increased penalties for odor nuisances, and redefining "open dumping" among many other items to be included.

### INSIGHT

With relatively few legislative sessions days scheduled in the coming months, it is unlikely that the EPA reform bill will be passed soon. However, introduction of such a comprehensive measure signals growing desire of Governor Kasich's EPA to enact reforms before they leave office.

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## Third Frontier Opiod RFP

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Ohio's Third Frontier Program is actively seeking proposals for its Opioid Abuse, Prevention, and Treatment Technology initiative. The aim of the initiative is to accelerate the development and commercialization of promising new products that meaningfully address one or more issues associated with the drug crisis driven by use, misuse, abuse and the addictive potential of opioids. Details and more information can be found [here](#).

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## Opportunity Zone Update



Ohio is one of 20 states to have selected qualified sites for the new opportunity zone subsidy passed within last year's Tax Cuts and Jobs Act. The U.S. Treasury recently approved 320 zones in Ohio and has delegated implementation authority to the IRS. Opportunity zones will provide significant tax incentives for up to 10 years for investments made within them, so businesses stand to gain as much as the local communities themselves. To prepare for future investments, companies can view an interactive map of Ohio's selected zones [here](#).

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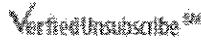
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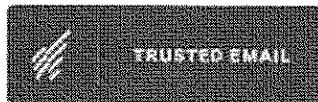
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**To:** Kasych, Shawn  
**Subject:** Hicks Partners Newsletter



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PUBLIC RELATIONS

BUSINESS DEVELOPMENT

GOVERNMENT AFFAIRS

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**May 1, 2018**

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**Countdown to Ohio's Primary Election =**

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One week from today, Ohio voters will determine which candidates will face off in the race for Governor, U.S. Senate and a host of federal and state offices. As the primary election nears, the marquee races have clearly tightened. A recent poll shows Mike DeWine leading Mary Taylor by 43-26% in the GOP gubernatorial race, while Richard Cordray holds a 27.5-13% edge over his nearest rival, Dennis Kucinich. While upsets can occur, if the polls hold true, DeWine and Cordray will face off in the fall, giving Ohio voters a rematch of their 2010 race for Attorney General, which DeWine won. In the GOP Senate primary, Congressman Jim Renacci, who scored a resounding endorsement from President Trump last week, is leading a multi-candidate field with 21% to take on Senator Sherrod Brown in the general election.



Other key races to watch will be contested primaries for the 12<sup>th</sup> and 16<sup>th</sup> Congressional Districts, respectively vacated by Pat Tiberi and currently held by Rep. Renacci. There are several contested primaries for the Ohio House of Representatives that could have an impact on who will be the next Speaker of the Ohio House.

**INSIGHT**

The first order of business for the winning candidates for governor will be to unite their respective parties. The DeWine-Taylor race has been especially hard hitting and personal, while the Democratic primary has shown deep ideological divisions in the party. Both gubernatorial nominees will have their work cut out for them to present a unified front for the fall campaign.

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## Ohio Tax Expenditure Review Committee

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As previously reported within *Insider*, the Ohio Tax Expenditure Review Committee awoke last month, holding its first two hearings in months. A report released by the Buckeye Institute highlighting \$1.8 billion in annual tax loopholes drew widespread attention before the first hearing. However, testimony presented on April 11 primarily focused on tax exemptions for the manufacture and packaging of tangible personal property—something not included in the Institute's report. Industry interests bemoaned the possibility that Ohio would cease to be competitive in an

environment where most other states have similar exemptions. The April 25 hearing focused on energy and commercial food tax incentives. The next hearing is scheduled for May 9.

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## EPA Omnibus Bill

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The Ohio legislature is gearing up to consider a series of environmental reforms. At the request of the Ohio Environmental Protection Agency the yet-to-be-introduced omnibus bill is expected to contain major changes to Ohio's state watersheds protection efforts, air permitting process, increased penalties for odor nuisances, and redefining "open dumping" among many other items to be included.

### INSIGHT

With relatively few legislative sessions days scheduled in the coming months, it is unlikely that the EPA reform bill will be passed soon. However, introduction of such a comprehensive measure signals growing desire of Governor Kasich's EPA to enact reforms before they leave office.

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## Third Frontier Opiod RFP

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Ohio's Third Frontier Program is actively seeking proposals for its Opioid Abuse, Prevention, and Treatment Technology initiative. The aim of the initiative is to accelerate the development and commercialization of promising new products that meaningfully address one or more issues associated with the drug crisis driven by use, misuse, abuse and the addictive potential of opioids. Details and more information can be found [here](#).

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## Opportunity Zone Update



Ohio is one of 20 states to have selected qualified sites for the new opportunity zone subsidy passed within last year's Tax Cuts and Jobs Act. The U.S. Treasury recently approved 320 zones in Ohio and has delegated implementation authority to the IRS. Opportunity zones will provide significant tax incentives for up to 10 years for investments made within them, so businesses stand to gain as much as the local communities themselves. To prepare for future investments, companies can view an interactive map of Ohio's selected zones [here](#).

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## About Us

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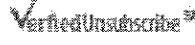
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**From:** Utility Dive  
**Sent:** Tuesday, May 1, 2018 10:56 AM  
**To:** Kasych, Shawn  
**Subject:** May. 01 - PJM eyes fuel security, clears FE nuke closures | NYISO floats CO2 pricing



## Utility Dive's Top News

Daily edition | May 1, 2018



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### Using Social Media for Corporate Security

Learn how major Fortune 500 corporations, including utility and manufacturing companies, are taking advantage of social media. [Download the e-book today!](#)

## PJM: FirstEnergy nukes can retire without reliability threat

The grid operator says three plants subject to an emergency bailout request at the Department of Energy can retire without putting electricity service at risk.

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## New York grid operator floats carbon pricing proposal

All suppliers inside the New York ISO market would be subject to carbon charges, under the initial proposal. NYISO is designing rules to ensure imports compete fairly, too.

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### DEEP DIVE

## How big can New England's regional cap-and-trade program get?

The RGGI program has worked so well for its nine Northeastern member states that some say it's ready to go nationwide.

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### SPONSORED CONTENT BY CENTRICA

## Report reveals impact of low energy resilience

Is your business ready for when the lights go out? [Read the Resilience Report.](#)

---

## PJM launches fuel security initiative to counter gas reliance

The initiative seeks to value attributes like dual fuel capabilities and onsite fuel supply, but critics say it is too narrow and similar to existing capacity performance rules.

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### **Mercedes-Benz abandons residential storage ambitions**

The expensive residential batteries intended to challenge Tesla's Powerwall were "overdesigned," the company said.

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### **NuScale receives first phase design approval for small modular reactor**

There are five more phases in the process, but NuScale says the first is the most rigorous and now expects the NRC to complete certification by September 2020.

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### **Supreme Court rejects Constitution Pipeline appeal over NY permit**

The decision leaves the pipeline's developer one option: seeking help from the Federal Energy Regulatory Commission to keep the project on track.

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DEEP DIVE

## **Illinois energy law revives renewables while aiding nuclear**

The Future Energy Jobs Act is also expanding energy efficiency in the state, but the nuclear subsidies are being challenged in court.

---

## **Utilities, oil interests clash over EV policy at conservative policy summit**

The battle at the American Legislative Exchange Council shows how utility interests are diverging from those of the oil and gas sector in an era of growing renewable energy and electric vehicles.

[Read more news](#)



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### **How Will Machine Learning Revolutionize Asset Management?**

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## WHAT WE'RE READING

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 ABC NEWS

**EPA whistleblower says Pruitt 'lied' to Congress**

---

 PLATTS

**FERC investigates accumulated deferred income tax practices of five MISO utilities**

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 DCMCCLATCHY

**Russian trolls promoted pipeline opposition**

---

 BLOOMBERG

**Businesses Are Buying More Wind and Solar Power Than Ever Before**

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 TULSA WORLD

## Oklahoma Senate kills bill that would have ended wind industry incentive early

Suggest a story we should read

## FEATURED JOB

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**Energy Aspects** is looking for a *US Power Analyst - New York or Houston* in New York, NY. – [Learn more](#)

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## UPCOMING EVENTS

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### California's Blueprint to Clean Power and Electrification

May 9, 2018 - May 9, 2018 | Webinar 2 PM ETD

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### VERGE Hawaii: Asia Pacific Clean Energy Summit

June 12, 2018 - June 14, 2018 | Honolulu, HI

## DIVE INTO A TOPIC

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Generation	Demand Response
T&D	Regulation & Policy
Solar & Renewables	Technology
Energy Storage	Corporate News
Distributed Energy	

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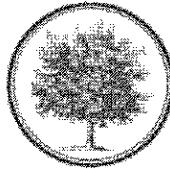
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**From:** The Buckeye Institute  
**Sent:** Tuesday, May 1, 2018 11:01 AM  
**To:** Kasych, Shawn  
**Subject:** The Buckeye Institute: Ohio's Medicaid Waiver Request is First Step to Fixing a Broken System



## THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms  
(614) 224-3255 or [Lisa@BuckeyeInstitute.org](mailto:Lisa@BuckeyeInstitute.org)

**FOR IMMEDIATE RELEASE**  
May 1, 2018

### **The Buckeye Institute: Ohio's Medicaid Waiver Request is First Step to Fixing a Broken System**

**Columbus, OH** -- Rea S. Hederman Jr., executive director of the Economic Research Center at The Buckeye Institute and vice president of policy issued the following statement on the **submission of the Medicaid work and community engagement waiver** by the Ohio Department of Medicaid.

"Ohio's waiver request is an important step in reforming the state's health care system, and while we applaud this initial step, we are disappointed that the waiver is not part of a broader and bolder Medicaid reform package," said Rea S. Hederman Jr., executive director of the **Economic Research Center** at The Buckeye Institute and vice president of policy. "The good news is, if approved, this waiver will ensure that needy and vulnerable citizens will continue to benefit from Medicaid while encouraging healthy, able-bodied adults to gain new skills and employment, and obtain private insurance coverage that offers better health care coverage. This waiver is a good start, but Ohio should continue to reform and improve its Medicaid program to help lift people up and out of the program while protecting the traditional and vulnerable Medicaid population."

A nationally recognized expert in health care policy, Hederman submitted **public comments** on Ohio's two Medicaid waiver proposals -- the work and community engagement waiver and the state innovation or 1332 waiver. He was one of the first in the nation to propose using section 1332 waivers as a way to allow states to waive parts of the Affordable Care Act and take back the ability to regulate their insurance markets. Hederman and co-author Dennis G. Smith outlined this approach in their report *Returning Health Care Power to the States*.

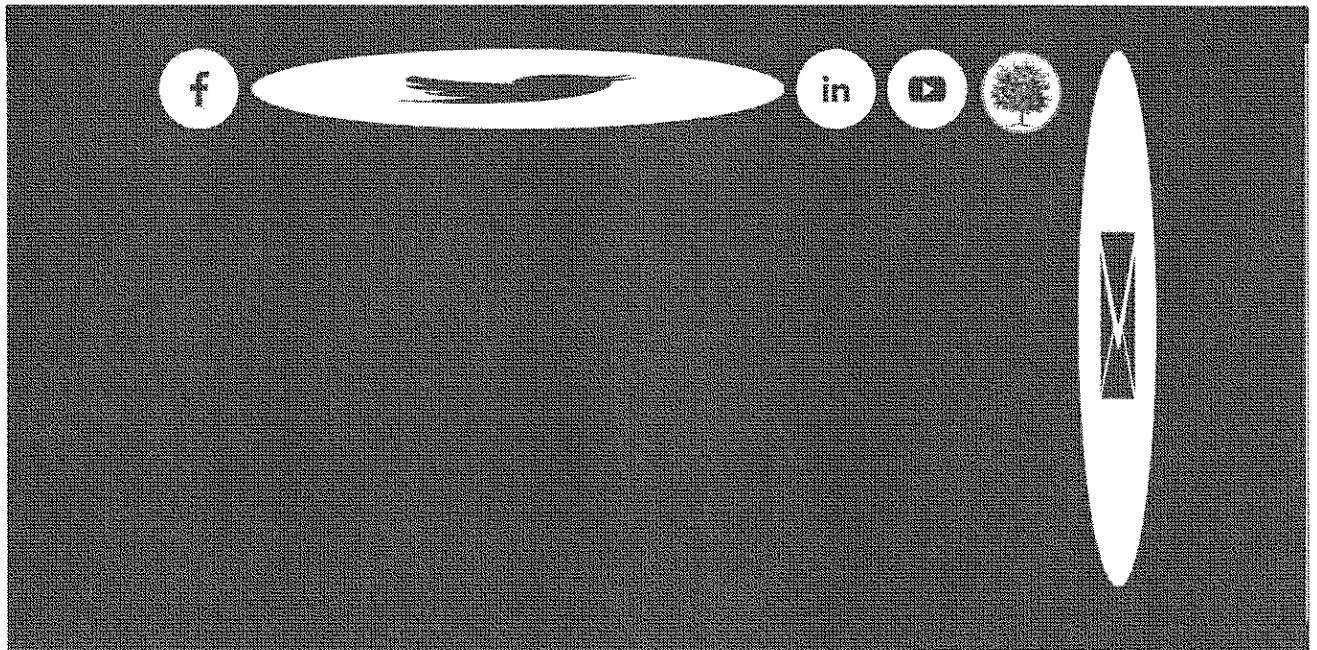
In *Federal Efforts to Stabilize ACA Individual Markets through State Innovation*, Hederman and co-author Doug Badger argued that Congress and the federal government should empower states to devise new ways to make health insurance more affordable for more people.

# # #

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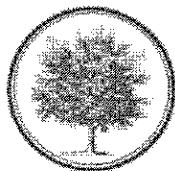
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**From:** The Buckeye Institute  
**Sent:** Wednesday, May 2, 2018 7:02 AM  
**To:** Kasych, Shawn  
**Subject:** New Buckeye Institute Research Finds Bail Reform Could Save Ohio Communities \$67 Million



## THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms  
(614) 224-3255 or [Lisa@BuckeyeInstitute.org](mailto:Lisa@BuckeyeInstitute.org)

**FOR IMMEDIATE RELEASE**  
May 2, 2018

### **New Buckeye Institute Research Finds Bail Reform Could Save Ohio Communities \$67 Million**

**Columbus, OH** -- New research by **The Buckeye Institute** found that Ohio's proposed reforms to its broken cash bail system could save an estimated \$67 million in jail costs, while providing a fairer, more efficient way to keep Ohio's communities safe and secure.

"Ohio's cash bail system is broken and the reforms pending in the General Assembly could save hard-earned taxpayer dollars while keeping our communities safe," said Daniel J. Dew, a legal fellow with Buckeye's **Legal Center** and the author of "*Money Bail: Making Ohio a More Dangerous Place to Live*." "Even setting aside important issues of justice, fairness, and public safety that have all been compromised by the current money bail system, the needless amount of money spent jailing people accused of low-level crimes alone is enough to justify Ohio's proposed bail reform initiative."

In this new research, *The Ohio Model for Bail Reform: Retaining Local Flexibility and Saving Money*, Dew, and analysts with Buckeye's **Economic Research Center**, looked at Summit County, which uses a verified risk-assessment tool to inform pretrial detention decisions. They found that Ohio could see an annual cost savings of \$67,136,121 if it reforms its cash bail system and gives judges greater flexibility to use proven, evidence-

based, risk-assessment tools to assess the risk an individual poses to the community rather than relying on cash bail.

In Ohio, jail is far more expensive than supervised release, with the average **jail bed costing almost \$65 per day**, compared to **\$5 per day for supervised release**. Summit County, which has already implemented a verified risk-assessment tool, has **estimated that it saved \$7.3 million in one year** by adopting a pretrial risk-assessment tool and relying less on the money-bail system.

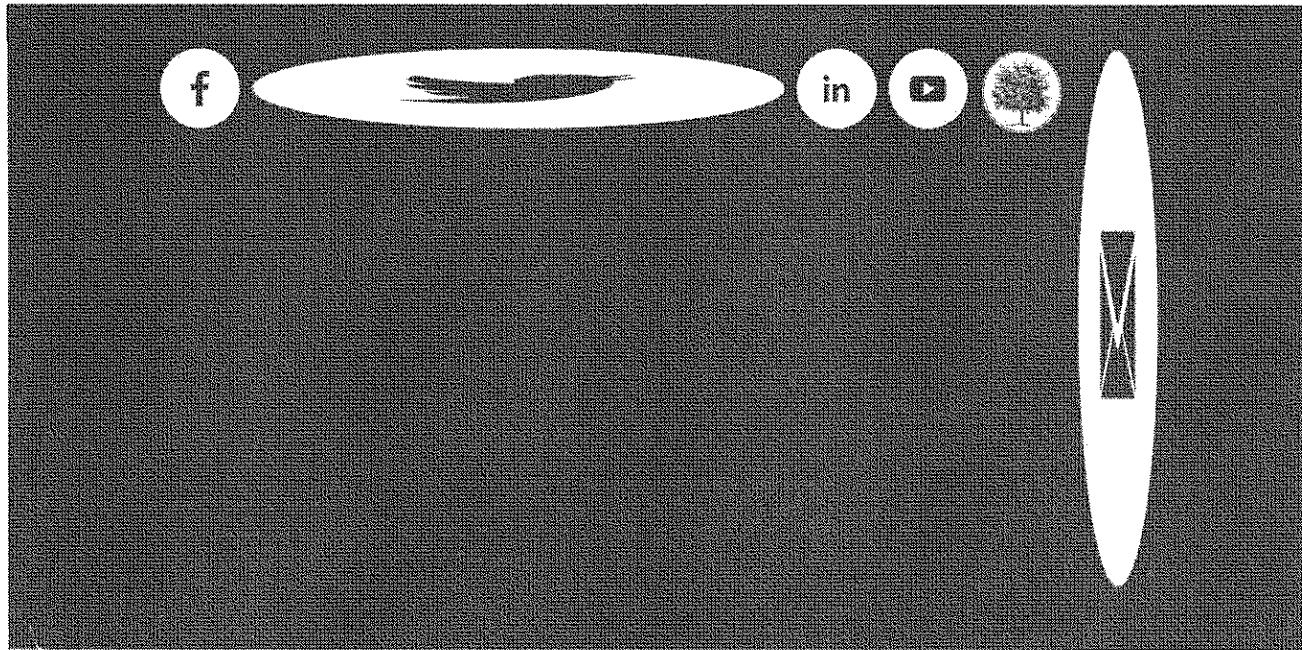
"Even accounting for its relatively large pretrial population and high daily-jail-bed cost, Summit County's early results suggest that pretrial reforms could provide substantial cost-savings across the rest of the state," Dew wrote in *The Ohio Model for Bail Reform*. "The proposed reforms give local jurisdictions more flexibility to implement changes and find cost savings than any other statewide bail reform initiative in the country."

# # #

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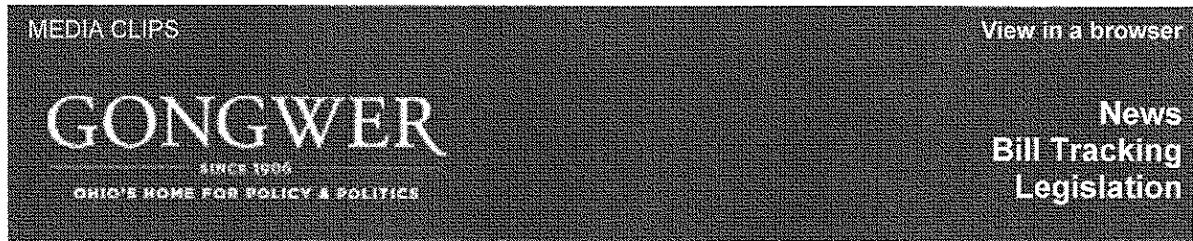
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**Sent:** Wednesday, May 2, 2018 8:27 AM  
**To:** Kasych, Shawn  
**Subject:** Ohio Media Clips, Wednesday, May 2



## NEWS

Officials find flaw with medical marijuana grower scoring (Associated Press, 5/2/2018)

Ohio governor to announce chronic pain prescriber standards (Associated Press, 5/2/2018)

Ohio's top court to hear arguments on promotions tax dispute (Associated Press, 5/2/2018)

Here are all 403 personalized license plates Ohio rejected in the past year (Cincinnati Enquirer, 5/2/2018)

Who's who in the 'toss-up' race for Congress (Cincinnati Enquirer, 5/2/2018)

As Richard Cordray campaigns for Ohio governor, the federal agency he headed is in trial in Cleveland (Cleveland Plain Dealer, 5/2/2018)

Conservative Buckeye Institute says bail reform in Ohio would save money (Cleveland Plain Dealer, 5/2/2018)

Dennis Kucinich says the bulk of his consulting fees came from anti-G.M.O. group (Cleveland Plain Dealer, 5/2/2018)

Kane launches second ad of GOP primary for Tiberi's old seat (Columbus Dispatch, 5/2/2018)

Kucinich: I got \$122,000 as consultant for sustainable food group (Columbus Dispatch, 5/2/2018)

Mike DeWine stresses conservative credentials in new TV ad (Columbus Dispatch, 5/2/2018)

Ohio asks feds for OK to impose Medicaid work requirements (Columbus Dispatch, 5/2/2018)

Trump accuser getting donations from across US for Ohio race (Columbus Dispatch, 5/2/2018)

Trump accuser getting donations from across US for Ohio race (Columbus Dispatch, 5/2/2018)

Ohio may ban free international travel for lawmakers (Dayton Daily News, 5/2/2018)

Report: Bail reforms could save Ohio taxpayers \$67 million a year (Dayton Daily News, 5/2/2018)

Sexual assault legal loophole prevents victim military transfers, lawmaker says (Dayton Daily News, 5/2/2018)

Algal blooms harder to control because of climate change, other factors, data shows (Toledo Blade, 5/2/2018)

Commissioners, state representative advocate for regulation of payday loans (Toledo Blade, 5/2/2018)

Groups explore extent of ECOT 'hush money' (Toledo Blade, 5/2/2018)

## EDITORIALS

**Beacon Journal/Ohio.com editorial board: Being mean to the poor in public housing (Akron Beacon Journal, 5/2/2018)**

**Dimitri McDaniel in the Democratic primary for Ohio House 12: endorsement editorial (Cleveland Plain Dealer, 5/2/2018)**

**Rick Raley in the Democratic primary for Ohio House 14: endorsement editorial (Cleveland Plain Dealer, 5/2/2018)**

**Editorial: Clarify regulations to finally banish ECOT demons (Columbus Dispatch, 5/2/2018)**

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## HOUSE E-CLIPS

5/2/2018



### **OHIO'S TOP COURT TO HEAR ARGUMENTS ON PROMOTIONS TAX DISPUTE**

The Ohio Supreme Court has set a date for arguments in a dispute over promotions offered by the Cincinnati Reds to ticket buyers including bobbleheads and other items.

### **OHIO GOVERNOR TO ANNOUNCE CHRONIC PAIN PRESCRIBER STANDARDS**

Ohio Gov. John Kasich is preparing to announce new standards to help people suffering from chronic pain get proper treatment from prescribers to avoid addiction.



### **KUCINICH SAYS HE GOT \$120K AS CONSULTANT FOR SUSTAINABLE FOOD**

#### **GROUP**

Democratic gubernatorial candidate Dennis Kucinich received \$122,000 in consulting fees in 2016 from a group that works for food sustainability and safety, his campaign said Tuesday.

### **TRUMP ACCUSER GETTING DONATIONS FROM ACROSS US FOR OHIO RACE**

The national exposure that has come with her accusations of sexual harassment against President Donald Trump has translated into an unprecedented number of individual campaign contributors for Rachel Crooks' Ohio House campaign.

### **MIKE DEWINE STRESSES CONSERVATIVE CREDENTIALS IN NEW TV AD**

With a week until Election Day, the Republican gubernatorial campaign of Mike DeWine is airing a new TV commercial that it hopes underlines his conservative credentials — and support of President Donald Trump.

### **SPENDING FOR TV ADS COULD BE TROUBLE FOR ECOT IN UPCOMING AUDIT**

The first report regarding ECOT's operations following allegations from an insider that the school used new tracking software to manipulate attendance data will come from the state auditor.

## Dayton Daily News

[www.daytondailynews.com](http://www.daytondailynews.com)

### **REPORT: BAIL REFORMS COULD SAVE OHIO TAXPAYERS \$67 MILLION A YEAR**

A new report from the Buckeye Institute says Ohio could save \$67 million a year in jail costs by changing the bail system used by courts.

### **OHIO MAY BAN FREE INTERNATIONAL TRAVEL FOR LAWMAKERS**

In the wake of Republican Cliff Rosenberger's abrupt resignation as Ohio House speaker, state Rep. Niraj Antani is proposing reforms to state ethics laws when it comes to gifts, meals and travel for legislators.

### **MAY ELECTION: BIG MONEY SPENT IN MIAMI/DARKE COUNTY STATE HOUSE RACE**

Nearly a quarter of a million dollars has been spent on the Republican primary in Ohio's 80th state House district making it one of the most expensive statehouse primary in the region.

## THE PLAIN DEALER

### **As RICHARD CORDRAY CAMPAIGNS FOR OHIO GOVERNOR, THE FEDERAL AGENCY HE HEADED IS IN TRIAL IN CLEVELAND**

A trial that began in U.S. District Court in Cleveland on Tuesday pits the federal agency Ohio Democratic gubernatorial candidate Richard Cordray once led against a law firm the agency accuses of conducting deceptive debt collection practices.

### **DENNIS KUCINICH SAYS THE BULK OF HIS CONSULTING FEES CAME FROM ANTI-G.M.O. GROUP**

Former U.S. Rep. Dennis Kucinich's gubernatorial campaign released more details Tuesday about the roughly \$120,000 he received from consulting.

### **RICK RALEY IN THE DEMOCRATIC PRIMARY FOR OHIO HOUSE 14:**

#### **ENDORSEMENT EDITORIAL**

State Rep. Martin J. Sweeney is moving on from his 14th Ohio House District to run for the Ohio Senate, leaving the House seat wide open for four Democrats eager to succeed him -- including his 25-year-old daughter, Bride Rose Sweeney.

### **DIMITRI McDANIEL IN THE DEMOCRATIC PRIMARY FOR OHIO HOUSE 12:**

#### **ENDORSEMENT EDITORIAL**

Several strong Democratic primary candidates are seeking to replace term-limited state Rep. John Barnes Jr. in the 12th Ohio House District, which reaches from a slice of southeast Cleveland to Bedford, Bedford Heights, Highland Hills, Maple Heights, Mayfield Heights, North Randall, Orange, Pepper Pike and Warrensville Heights.

# THE BLADE

## **ASHFORD, FEDOR SQUARE OFF IN PRIMARY FOR OHIO SENATE SEAT**

Imagine that: A hotly contested race without mudslinging.

**From:** The Ohio Municipal League  
**Sent:** Wednesday, May 2, 2018 4:14 PM  
**To:** Kasych, Shawn  
**Subject:** Daily Update



## Clarification of BWC TPA Transition Timeline

**May 2, 2018**

We wanted to make our membership aware of the process taking place regarding the change of our Third-Party Administrator (TPA) for our BWC Workers Compensation Group Rating Program. As you are aware, the Ohio Municipal League has selected CareWorksComp to serve as our new TPA instead of CompManagement.

When the previous OML Executive Director retired in 2015, a review was conducted of existing contracts with member service providers including our contract with CompManagement. Upon review, there were significant concerns about the existing contract terms and what we felt was a lack of transparency. There were also significant disagreements with who had the management rights of the cities and villages included in the existing OML group rating pool going forward. We felt that better language was needed for our relationship to continue that would protect the level of service and

stability we look for in programs we support. However, CompManagement was not willing to agree to new terms.

During those months of negotiations, OML began vetting other potential TPAs in the event CompManagement would not agree to the contract terms we needed for our members. This was done to proactively ensure there would be no gap in coverage and that a seamless transition could occur if warranted. Through this vetting process, we found that CareWorksComp surpassed the level of quality and customer service we strive to provide for our members and was agreeable to the contract terms rejected by the previous service provider.

Though this process of negotiating new contract terms began in September of 2017, OML notified our members as soon as possible once this transition occurred on April 25<sup>th</sup>. The timing of the transition was due to BWC guidelines and a later change would prevent any flexibility to contract with any new TPAs until 2020. If any new members wanted to opt in for enrollment for the year 2019, they would need to do so by May 25<sup>th</sup>. (Current group rating program members will be auto-enrolled for 2019.) In order to ensure the transition was seamless, we had to act before this enrollment window closed.

It is unfortunate that we were unable, for legal and logistical reasons, to keep our members apprised of the ongoing contract negotiations these past few months. Due to confidentiality provisions, we were unable to publicize any of these ongoing negotiations. This transition was not done lightly or hastily and was conducted in the best interest of our members. This change took place under the guidance of multiple levels of legal counsel to ensure the contractual obligations of the Ohio Municipal League are met and that our members rights are being protected, now and into the future. It is also unfortunate that CompManagement is seeking to prevent a smooth transition in TPAs due to the inability to reach contract terms that ensured the best levels of service for our members.

CareWorksComp, the largest TPA in Ohio, has significant experience in dealing with public entities and unions. They have an outstanding safety division and understand the importance of work place safety in cooperation with union contracts. **Furthermore, CareWorksComp has agreed to forego any administrative fees for the filing and management of OML's**

**2019 programs. Our members will pay CareWorksComp \$0 this year for services provided from April, 25 2018 to December 31, 2019. Additionally, CareWorksComp has guaranteed to freeze rates for those who remain in OML's group rating pool for the next two years.**

For your reference, below is a list of the communications we have previously sent regarding this transition thus far:

- [TPA Transition Announcement Letter from OML](#)
- [CMI Communication Clarification](#)
- [Notification in OML Legislative Bulletin](#)
- [OML Facebook Post](#)

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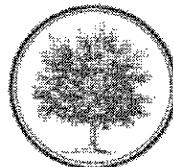
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**To:** Kasych, Shawn  
**Subject:** It is Time to Call Foul on Special Interest Giveaways, By Quinn Beeson



## THE BUCKEYE INSTITUTE

### **It is Time to Call Foul on Special Interest Giveaways**

**By Quinn Beeson**  
**May 4, 2018**

First, Ohio legislators proposed increasing the handouts for the entertainment industry through the special interest **motion picture tax credit**. Now, they're proposing giving away more money for large sporting events. Any guess as to who would be footing that bill? That's right, you, Ohio taxpayers.

The current Sporting Event Grant Program is bad enough, and allows a county or municipality to receive state taxpayer dollars to host a national or international sporting event. For example, residents of Toledo, Southeastern Ohio, and elsewhere in the state helped Columbus host the **2018 NCAA Women's Final Four** in late March. I wonder if residents in Southeastern Ohio think that was a good use of their tax dollars or if they would have preferred the money be spent on education or repairing crumbling infrastructure.

The current program is capped at \$1 million for a county or municipality per year, but proposed changes being considered by the legislature would **get rid of the limits**, meaning cities could get even more than \$1 million per year in taxpayer dollars. This means even more money being spent on sports and entertainment that most of us will never benefit from and less money being spent fixing our roads, repairing our water and sewer lines, or educating our children.

Taxpayers' hard-earned money is already being wasted on these special interest handouts that by-and-large only go to Ohio's largest cities that are well able to finance these events. And increasing the giveaways means Ohio legislators will either have to cut spending or increase taxes across the state, just so one community can benefit from hosting a tournament.

These events, while fun, exciting, and a boost to a local economy, do not benefit all Ohioans and typically only benefit Ohio's largest cities - home field advantage for sure. So let's call goaltending on the big cities, and let them fund these efforts with their own tax dollars and keep state tax dollars focused on building a strong Ohio.

*Quinn Beeson is the economic research analyst with The Buckeye Institute's Economic Research Center.*

# # #

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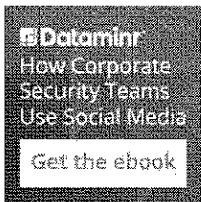


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The utility is counting on some form of carbon emissions regulation in the future as it laid out estimates of how much that might cost.

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An Administrative Law Judge concluded San Diego Gas and Electric and Southern California Gas Co. failed to demonstrate the \$639 million pipeline was necessary.

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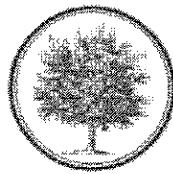
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**From:** The Buckeye Institute  
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**To:** Kasych, Shawn  
**Subject:** The Buckeye Institute Again Calls on Policymakers to Close Tax Loopholes



## THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms  
(614) 224-3255 or [Lisa@BuckeyeInstitute.org](mailto:Lisa@BuckeyeInstitute.org)

**FOR IMMEDIATE RELEASE**  
May 9, 2018

### **The Buckeye Institute Again Calls on Policymakers to Close Tax Loopholes**

*Greg Lawson Submits Written Testimony to the Ohio Tax Expenditure Review Committee*

**Columbus, OH --** The Buckeye Institute's Greg R. Lawson submitted written testimony today (see full text below or [download a PDF](#)) to the Ohio Tax Expenditure Review Committee urging the committee to close tax loopholes, which would create a better economic environment to grow Ohio's economy.

Lawson opened his testimony highlighting the positive steps policymakers have taken in the past eight years, including lowering the state's personal income tax and slowly addressing its "flawed municipal income tax system." Lawson said these changes have improved Ohio's business climate, but said more can be done and that "Confronting the proliferation of tax expenditures, commonly called 'tax loopholes,' is the next logical step for meaningful reform."

Beyond simply closing loopholes, Lawson noted that The Buckeye Institute, **along with Policy Matters Ohio**, would urge policymakers to include an automatic sunset for tax expenditures saying, "Such a sunset provision would...ensure that loopholes are regularly reviewed and eliminated when they no longer serve a public good."

By closing tax loopholes, which will cost Ohio **more than \$18 billion** in revenue in 2018-2019, Lawson noted that policymakers would make Ohio tax code less complex, more transparent, and more equitable -- all **hallmarks of sound tax policy**.

Lawson went on to point out that Buckeye has **already identified \$1.8 billion in tax loopholes that should be closed** and ended saying, "Closing unnecessary tax loopholes will save the state revenue, level the tax burden for businesses and families, and allow for further reductions in the state's still-too-high income taxes. By doing so, policymakers will strengthen Ohio's economic environment and job creation climate that will provide even greater prosperity."

The Buckeye Institute **first called for the creation of the review committee** in 2011, when, along with the Center for Community Solutions and the Greater Ohio Policy Center, it identified **20 loopholes** that should have been closed.

# # #

**Interested Party Written Testimony Submitted to the  
Ohio Tax Expenditure Review Committee**

**Greg R. Lawson, Research Fellow  
The Buckeye Institute  
May 9, 2018**

Chairman Oelslager and members of the Tax Expenditure Review Committee, thank you for the opportunity to submit written testimony today.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

The Kasich Administration and the General Assembly have made progress improving Ohio's tax system. The state's personal income tax has been lowered to less than five percent, Ohio relies more on the consumption tax, which is less economically distorting, and the state has begun to slowly address its flawed municipal income tax system. These changes have improved Ohio's business climate, but more can and should be done to make Ohio more attractive to citizens and new businesses.

Confronting the proliferation of tax expenditures, commonly called "tax loopholes," is the next logical step for meaningful reform. Eliminating unneeded tax expenditures will further reduce Ohio's personal income tax, which will create a better economic environment for job creators of all shapes and sizes to grow Ohio's economy. For years, The Buckeye Institute has called for a more thorough review of tax expenditures, and we do so again today.[1]

In 2011, we joined with the Greater Ohio Policy Center and the Center for Community Solutions, two think tanks with policy views quite different than our own, to call for something similar to this very Committee to be created in order to examine the true economic effects of tax loopholes.[2] Today, we agree with our friends at Policy Matters Ohio who have called for an automatic sunset of tax expenditures in the absence of their explicit reauthorization by the General Assembly. Such a sunset provision would heighten the urgency of this review process and ensure that loopholes are regularly reviewed and eliminated when they no longer serve a public good.[3]

New tax expenditures have been inserted into the tax code at the state and federal levels for decades. Many with good reason. For example, sales tax exemptions have helped Ohio avoid a crippling tax system that inflates prices and costs to consumers by taxing subcomponents of products during production, and Ohio is wise to use exemptions that prevent such harmful taxes. But not all tax exemptions have such a net positive effect. Loopholes make the tax system more complex, less transparent, and less equitable -- all hallmarks of an unsound tax policy.[4] By contrast, lower, fairer income taxes and consumption taxes will improve Ohio's tax climate without creating unfair economic advantages for some at the expense of others.

Tax expenditures cost the state tax revenue that must then be made up by other taxes and taxpayers. When, for instance, the General Assembly gives annual \$1.6 million tax exemptions for flight simulators, the rest of us without flight simulators must off-set that lost revenue through other taxes. Similar exemptions that require off-setting taxes and tax hikes now permeate the state's tax code, and their associated costs add up. According to the latest Tax Expenditure Report from the Department of Taxation, Ohio is estimated to lose more than \$18 billion in revenue during the Fiscal Years 2018-2019 biennial budget period.[5]

To help address the loophole and lost revenue problem, The Buckeye Institute recently suggested closing a number of tax loopholes that cost Ohio more than \$1.8 billion.[6] Our suggestions include:

- The notorious NetJets loophole for those who buy shares of corporate jets;

- The motion picture tax credit, already eliminated in other states, including Michigan;[7]
- Credits for political campaign contributions; and
- The job retention and creation tax credits that favor some businesses over others.

State policymakers have significantly improved Ohio's tax system over the past decade and a half, but more work remains to be done. Fifteen years ago, Ohio had an uncompetitive tangible personal property tax and a highly progressive personal income tax with an onerous top rate of more than seven percent.[8] As this Committee knows, that top income tax rate is actually higher due to Ohio's burdensome municipal income tax system and, in many cases, local school district income taxes. Since then, tax reform efforts have helped relieve some of the burden, but today Ohioans pay a total tax bill that remains much higher than it should.[9]

Ohio's average combined state *and* local tax rate is still more than seven percent according to the non-partisan Tax Foundation.[10] In some places it can climb even higher, with the combined state and local tax rate reaching nearly 10 percent[11] -- a level one might expect in high-tax states like New York.[12] Such high rates have real world consequences for workers, businesses, and states. As the Tax Foundation has demonstrated, people and jobs do in fact migrate from high-tax states to low-tax states -- and that migration will inevitably cost Ohio workers, businesses, and future economic opportunities.[13]

As state policymakers continue to tackle tax reform and strive to improve Ohio's recovering economy, the work of this Committee is critical. Closing unnecessary tax loopholes will save the state revenue, level the tax burden for businesses and families, and allow for further reductions in the state's still-too-high income taxes. By doing so, policymakers will strengthen Ohio's economic environment and job creation climate that will provide even greater prosperity.

---

[1] **Tax Loopholes Ohio Should Close**, The Buckeye Institute (Last visited May 2, 2018).

[2] *The Plain Dealer* Editorial Board, **When 3 Think Tanks With Quite Different Outlooks Agree on a List of Tax Loopholes to Close, Ohio's Leaders Should Listen**, *The Plain Dealer*, May 21, 2011.

[3] Zach Schiller and Wendy Patton, **Testimony to Tax Expenditure Review Committee**, Policy Matters Ohio, April 25, 2018.

[4] Rea S. Hederman Jr., Tom Lampman, Greg R. Lawson, and Joe Nichols, **Tax Reform Principles for Ohio**, February 2, 2015.

[5] Ohio Department of Taxation, **Tax Expenditure Report: The State of Ohio Executive Budget- Fiscal Years 2018-2019**, November 25, 2016.

[6] **Tax Loopholes Ohio Should Close**, The Buckeye Institute (Last visited May 2, 2018).

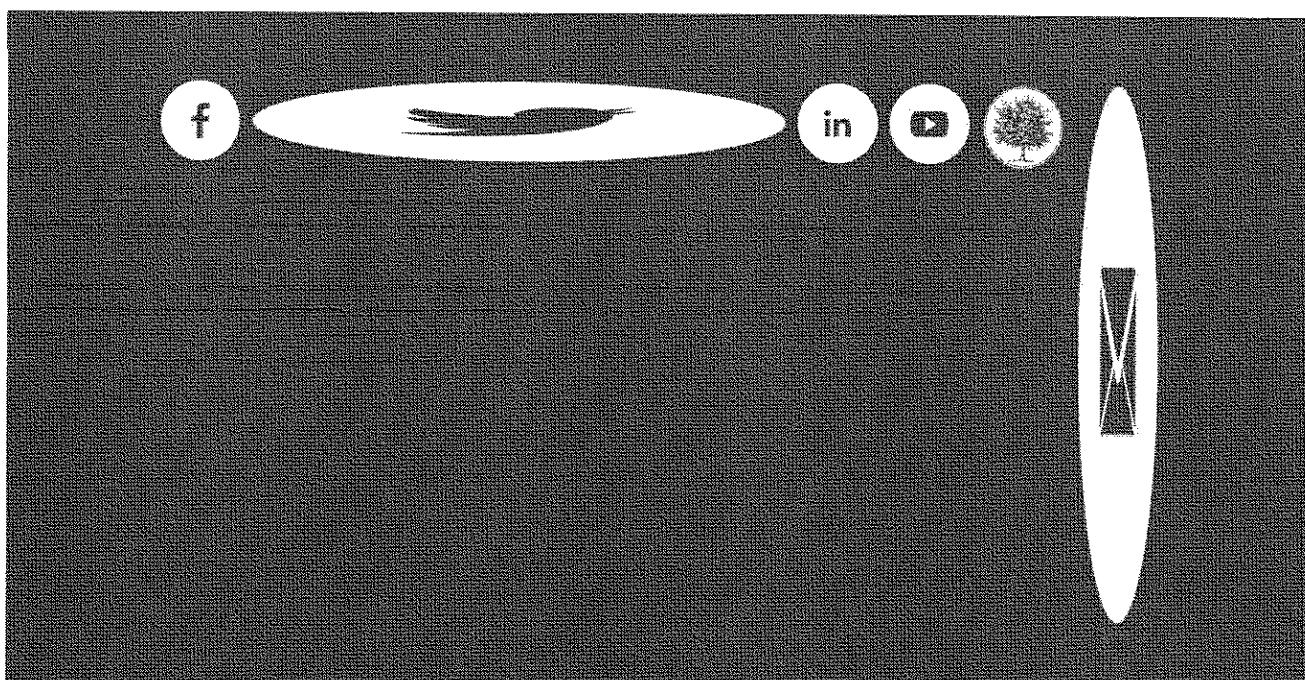
[7] Paul Egan, **Snyder Signs Bill Ending Incentives for Film Industry**, *Detroit Free Press*, July 10, 2015.

- [8] Ohio Individual Income Tax Rates: 2005-2017, Ohio Department of Taxation (Last visited May 1, 2018).
- [9] Student Tax Education Program - Tax History, Ohio Department of Taxation (Last visited May 1, 2018).
- [10] Jared Walczak and Scott Drenkard, **State and Local Tax Rates 2018**, The Tax Foundation, February 13, 2018.
- [11] Morgan Scarboro, Scott Drenkard, and Rea S. Hederman Jr., *Ohio Illustrated: A Visual Guide to Taxes and the Economy*, The Tax Foundation and The Buckeye Institute, June 2017.
- [12] *Ibid.*
- [13] State to State Migration Data, The Tax Foundation (Last visited May 3, 2018).

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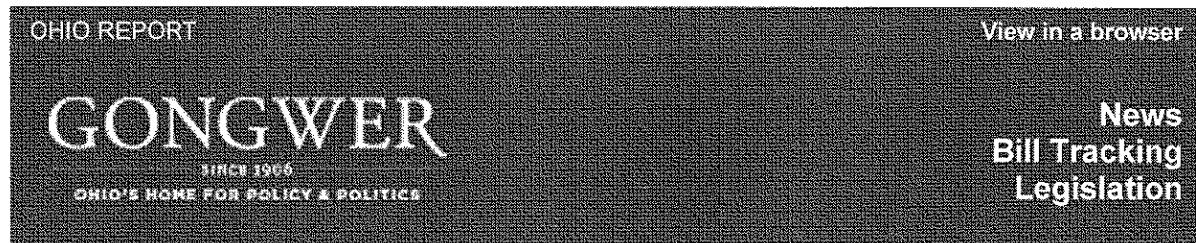
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## OHIO REPORT THURSDAY, MAY 10

**State Auditor: ECOT Officials May Have Engaged In Criminal Activity**

**Democrats Seek To Anchor Republican Candidates To Online School Faulted In Audit**

**Medicaid Officials Detail Safeguards For Managed Care Expansion**

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## Volume #87, Report #91 -- Thursday, May 10, 2018

### State Auditor: ECOT Officials May Have Engaged In Criminal Activity

State Auditor Dave Yost on Thursday referred his office's audit of the Electronic Classroom of Tomorrow for potential prosecution before blasting the Department of Education's oversight of the now-shuttered e-school and calling for stricter state laws on such entities.

The auditor's report determined that ECOT failed to provide documents proving students were using their computers for educational purposes for the hours it requested payment for during the 2016-17 school year. The audit found that although the school used tracking software known as ActivTrak to record what websites and programs students were using and how long they were using them, it did not provide all of that data to ODE.

Mr. Yost also issued findings for recovery on nearly \$250,000 that ECOT-related entities spent on political advertising as the General Assembly was considering new measures to regulate charters and ODE was looking to claw back payments made to the online school.

The audit's release kicked off another round of criticism from Democrats who accused Republican leaders of failing to oversee ECOT and prompted several Republican statewide candidates to donate money their campaigns had previously received from school leaders (See *separate story*).

Mr. Yost called information garnered from ActivTrak "the smoking gun" in his office's investigation into ECOT, which ended with him referring the findings to the Franklin County Prosecutor's Office and U.S. Attorney's Office.

"For the first time, we can prove that ECOT submitted information to ODE in order to get paid that it knew to be false when it was submitted," Mr. Yost said.

After ODE requested information on student participation at the e-school, Mr. Yost said ECOT provided "meaningless and unreliable information ...that ODE inexplicably accepted." He said department officials should have pushed for more information from the school.

"I would not have accepted the watered-down, blanked-out spreadsheets that were submitted to ODE," he said.

In a statement, Mr. Yost went further to challenge the department's handling of the e-school.

"With the level of incompetence displayed by both the school and ODE, the regulator, it's amazing that any money went to education whatsoever," he said.

ODE spokeswoman Brittany Halpin in a statement pushed back against the auditor's claim that the department mishandled its oversight of ECOT.

"No one has held ECOT more accountable for the education of students than the Department of Education, and our work to return approximately \$80 million to Ohio's taxpayers continues," she said.

Ms. Halpin said department officials "repeatedly questioned and subsequently rejected portions of ECOT's data."

ECOT closed in January after the State Board of Education voted the previous summer to claw back \$60 million from the school after an audit found it over-reported its full-time enrollment for the 2015-16 school year. The panel earlier this year tacked on another \$19 million to the school's debt, claiming it again overstated enrollment for 2016-17. (See Gongwer Ohio Report, February 12, 2018)

The e-school has filed two appeals with the Ohio Supreme Court, claiming ODE and the State Board of Education acted improperly in the lead-up to its closure. (See Gongwer Ohio Report, April 16, 2018)

Along with a referral for possible prosecution, the auditor's office issued a finding for recovery of \$249,962. The amount reflects an invoice submitted to ECOT in 2017 for a political ad buy that eventually was paid by Third Wave Communications, according to the auditor's report.

Mr. Yost said Third Wave Communications shares common ownership with other ECOT-linked businesses, leading auditor's investigators to conclude it paid the invoice in order to disguise ECOT's role in purchasing the advertising, which targeted the ODE and state lawmakers.

Karl Schneider, an attorney representing Third Wave Communications, said in a statement the finding for recovery was "meritless" and the result of a political frenzy around ECOT. He said Third Wave plans to challenge the finding.

"Mile-wide, inch-deep investigations have a tendency to lead to unsubstantiated conclusions that generally fail when tested with evidence in the court system, which is the case here," he said.

The auditor said ECOT officials also declined in April to sign a routine letter stating they provided all information necessary for the completion of the audit and that they had informed auditor's investigators of any possible fraud or illegal actions.

Auditor Yost said he anticipates his office will offer legislative recommendations based on the audit of ECOT, which likely will focus on preventing conflicts of interest and

promoting transparency among e-schools and the companies that manage them. He said the legislature also should look into whether funding such schools based on the time their students spent in class makes sense.

"Online learning needs to go to a learning-based, or achievement-based funding mechanism," he said.

Senate President Larry Obhof (R-Medina) said Thursday afternoon he is proud of legislation passed in 2015 (HB 230) that overhauled the state's accountability system for charter schools, which he said is working. He said he had not read the auditor's report, but would be open to recommendations from Mr. Yost.

"I'd be happy to sit down with him and talk about that," Mr. Obhof said.

A message seeking comment from ECOT's attorney was not returned prior to deadline.

#### **Democrats Seek To Anchor Republican Candidates To Online School Faulted In Audit**

On the day Auditor Dave Yost announced he was referring his audit of the Electronic Classroom of Tomorrow's finances to prosecutors, Democrats made hay out of Republicans' ties to the defunct e-school.

Former federal prosecutor Steve Dettelbach, Mr. Yost's Democratic opponent for the office of attorney general, in a series of tweets Thursday again called on Yost to recuse himself from ECOT-related matters and questioned the timeline that led up to the referral.

"Dave Yost's excuses for why he couldn't refer the case are a flat out joke. I was a federal prosecutor for 20 years. Fraud cases don't get better with age," Mr. Dettelbach wrote.

At a press conference for the release of the report, Auditor Yost defended the timing of the referral.

"The criminal referrals always happen at the conclusion or near the conclusion of our work," he said.

David Pepper, chairman of the Ohio Democratic Party, said in a statement the auditor's report jibes with Democrats' previous criticisms of charter schools.

"Finally, after years of pretending otherwise, even the Republican auditor of this state is at long last admitting that one of the central policy directions pursued by Republicans in Ohio for nearly two decades turns out to be a fraudulent scam," he said.

Pepper also accused Yost of taking contributions from ECOT, then "(handing) out awards to ECOT like candy and (ignoring) whistleblowers who came to his office."

Mr. Yost said auditor of state awards are "given under objective criteria," adding ECOT received its awards before the Department of Education imposed standards requiring e-schools to provide data on how long their students spent in class.

"The auditor of state's award has nothing to do with how well you're run," he said. "It has specifically and only to do with whether you meet these criteria, and if you meet them, you automatically get the award."

The auditor also denied accusations his office ignored the claims of a whistleblower who went to ODE and the auditor's office last year alleging the school ordered employees to manipulate enrollment data. Mr. Yost said auditor's officials spoke with him twice and reviewed documents he provided to investigators.

"(The whistleblower's) knowledge was insufficient to base a criminal referral (on) at that time," Mr. Yost said, adding that the auditor's office was "already aware of virtually everything that he said" and working on an audit program to review the school.

The Yost campaign also announced it is donating \$29,395 to charity to offset contributions made by people with ties to ECOT to Mr. Yost's state auditor campaign and transition committee in response to the referral for prosecution.

Allison Dumski, spokeswoman for the campaign of Republican auditor candidate Rep. Keith Faber (R-Celina), said in a statement the campaign is donating \$36,513 to "high quality charter schools" to offset donations from ECOT founder Bill Lager to Faber's prior campaigns.

"As made evident by Auditor Yost's report today, ECOT abused the state's public trust, deceived parents, and most importantly, hurt the thousands of students who sought a quality education," Rep. Faber said in a statement. "Thanks to the strong charter school reforms put in place while I was Senate president and the diligent work of Auditor Yost and his staff, ECOT was caught and is out of business."

Mr. Faber's democratic opponent in the auditor's race, former Congressman Zack Space, called for politicians who took contributions from ECOT or related individuals to give them back in a Thursday-morning tweet.

"Finally, a long overdue referral for prosecution, after YEARS of scamming our tax dollars. Many questions remain, but the biggest: what role did political contributions have in creating or perpetuating this scam? Pols who took ECOT \$ should return it," he wrote.

Sen. Joe Schiavoni (D-Boardman) in a statement said the auditor's announcement was a case of "better late than never."

"However, I am concerned that the auditor avoided acknowledging his own failures to hold ECOT accountable in the past," he said. "The auditor is well aware that the Ohio Department of Education had the power to ask for detailed student attendance data before 2014. That means the data should have existed and Auditor Yost could have asked for it."

Sen. Vernon Sykes (D-Akron) in a statement called for a bipartisan reform effort in regards to e-schools. He said the legislature could start by considering a measure (SB 39) introduced by Sen. Schiavoni in February.

"It is within the legislature's mandate to create a more efficient and effective education system so that Ohio's children have the opportunity to thrive," he said. "Members of the General Assembly have a moral obligation to work together toward bipartisan e-school reform."

Rep. Teresa Fedor (D-Toledo) and Rep. Tavia Galonski (D-Akron) sent a letter to Mr. DeWine requesting the appointment of a special prosecutor to investigate the e-school.

"Taxpayers, students and their families deserve to know the truth about the extent of ECOT officials' criminal activity to defraud the state out of tens of millions of dollars," the letter stated.

Democratic gubernatorial candidate Rich Cordray used the release of the audit as an opportunity to tie his Republican opponent, Attorney General Mike DeWine, to the e-school.

"This is just the latest attempt by Republicans in the Statehouse to whitewash their ECOT scandal," Mr. Cordray said in a statement. "They willfully looked the other way as a billion of our taxpayer dollars went to a politically-connected for-profit charter school instead of to educating Ohio students. In exchange for enabling their scam, Mike DeWine and Jon Husted raked in tens of thousands of dollars in campaign contributions, while our state, taxpayers and children were being defrauded and mistreated."

Joshua Eck, a spokesman for the DeWine/Husted campaign, said in a statement the auditor's report actually shows Republicans are providing oversight of charter schools.

"Mike DeWine and Jon Husted believe that every dollar we invest in education needs only one priority: Helping our kids get off to a great start in life," he said. "Anyone who tries to manipulate that system should be held to account. It's a shame Richard Cordray doesn't understand how Republicans are already imposing that accountability."

#### **Medicaid Officials Detail Safeguards For Managed Care Expansion**

Managed care plans and the Ohio Department of Medicaid said Thursday they're ready for the scheduled July 1 carve-in of behavioral health services, although the agency said it has contingency plans in place to alleviate potential problems.

One point of concern for the Joint Medicaid Oversight Committee was one plan's recent struggles meeting the state's prompt pay standards, problems that plans said were not tied to behavioral health.

The move to managed care is the second step in the behavioral health redesign process, and administration officials also argued before JMOOC that the first stage - new billing codes - is starting to turn the corner. (See *separate story*)

Although Medicaid officials said they're confident the state's managed care plans will be ready to take on behavioral health services come July, they also detailed a series of safeguards designed to mitigate any issues. (ODM Presentation)

Those protections include a six-month period after the carve-in during which Medicaid members can use any provider for services regardless of who their managed care plan is, said Patrick Stephan, ODM's director of managed care. The period was initially three months but was extended to six months to include an open enrollment period in which members can change managed care plans if they choose.

"Any provider providing services to somebody in the new system will be paid by the managed care plans, no questions asked," Mr. Stephan said.

After that period, providers and plans will still be able to work out single-case agreements if the provider isn't in a plan's network, he said.

Another safeguard is that plans will have to follow the Medicaid program's fee-for-service coverage policies and payment rates through June 30, 2019.

ODM will also develop a post-implementation task force including managed care plans, providers and groups representing providers to identify issues and address them, Mr. Stephan said.

The department will also offer a contingency plan for providers who face problems with billing, similar to a contingency plan offered during the first stage of the redesign, he said. Plans would make a monthly payment for July, August, September and October for providers serving their members equal to 54.6% of the provider's average monthly Medicaid reimbursement in 2016.

Representatives of the five managed care plans told the committee they were each prepared to handle the change in services.

"Improvements for behavioral health in Medicaid will occur July 1 due to managed care carve-in," said Buckeye Health Plan President and CEO Bruce Hill. "Buckeye and the other Medicaid plans have been working closely with our providers for months to ensure a smooth transition."

One managed care organization that JMOC members questioned extensively was CareSource, which is working with ODM to resolve failures to meet the program's prompt pay standards in the second half of 2017.

JMOC Chairman Sen. Dave Burke (R-Marysville) asked CareSource to provide its plan of action for resolving prompt pay issues to the committee in the next week.

CareSource Ohio President Steve Ringel said the company would comply and had experienced no problems with prompt pay in behavioral health. He told Rep. Nickie Antonio (D-Lakewood) that the problems stemmed from having insufficient staff, and that they largely occurred in primary care. The plan has offered cash advances where there are significant issues with specific providers, he said.

Rep. Antonio asked ODM officials about the remediation process for prompt pay failures.

When the department identifies problems with a plan, it works with them to identify issues and develop a solution to bring them back into compliance, Mr. Stephan said.

Rep. Mark Romanchuk (R-Mansfield) questioned why it has taken several months for ODM to act on CareSource's issues.

"To me, eight months is a long time, so I would encourage the department to potentially move these triggers up, so we're not six, seven, eight months down the road when we're finally acting in a manner that facilitates change," he said.

Mr. Stephan said both the plan and ODM have taken the issue seriously and are working on solutions. He also said they have considered changing the requirements, which currently mandate plans pay 90% of claims within 30 days and 99% within 90 days.

"Through the balance of this process, it is a topic that we are looking into," he said.

### **Administration Points To Improvements In Behavioral Health Redesign Payments**

State Medicaid officials argued Thursday that the first step in the behavioral health redesign process, a move to new billing codes, is beginning to stabilize after some initial uncertainty.

The administration used data covering the first three months of the year to tell members of the Joint Medicaid Oversight Committee that billing problems are being resolved and that the new system is, in many cases, paying providers more quickly and efficiently than before.

The comments come in response to a survey released last month by the Ohio Council of Behavioral Health & Family Service Providers that found many members were receiving

significantly less in overall payments from Medicaid. (See Gongwer Ohio Report, April 19, 2018)

Greg Moody, director of the Governor's Office of Health Transformation, said that survey, which covered 80% of the council's members, represents about a quarter of providers affected by the behavioral health redesign. (ODM Presentation)

While payments for claims in February were down 20% compared to the previous February, those numbers in January and March were close to the same, with total payments in the first quarter of 2018 down about 7% compared to the same period in 2017, Director Moody said.

When looking at denial rates of claims, Mr. Moody said the 18% denial rate in March was down compared to 28% seen in January, showing providers are working out problems with the new system.

That rate, above the typical denial rate of about 11%, also is inflated because the new coding system is disqualifying claims that previously might otherwise have been paid by Medicaid, including claims that should be paid by other payers, he said. When those claims are eliminated, the denial rate drops to 11% in March and 15% for the first quarter overall, he said.

Many of the denials - about 41% - are coming from 26 providers, which account for 6% of the total number, he said. When they are removed, the denial rate for March drops to 5%. Mr. Moody also pointed out that hospitals, which have more experience with the code sets and the system, experienced a denial rate of 1% for the quarter.

"Many of the early concerns with redesign are being addressed as we look at actual system performance," he said.

Sen. Bill Coley (R-Liberty Twp.) cited a drop in total behavioral health spending in April, which was not included in Mr. Moody's presentation.

April's spending is affected by a one-week payment delay for the month for all providers in the Medicaid program to keep the program's budget balanced, Mr. Moody said.

"A significant portion of the reduction in April is unrelated to redesign, it's related to a one-week delay in payment," he said.

The council's survey was conducted "at the point of maximum consternation" with the new process, Mr. Moody said.

"Everything in the council survey are things that we flagged to monitor and track because they could be signals of something going wrong," he said.

Sen. Coley said the fact that overall spending in behavioral health remains below last year's total continues to raise red flags.

"From a budgeting standpoint, their concerns are not as overblown as we thought," he said.

Rep. Emilia Sykes (D-Akron) asked how much providers are being told about why a certain claim was denied.

"What does that look like moving forward so these folks can actually get what they need and we can actually find out whether this is why they're losing that funding?" she asked.

Medicaid Director Barbara Sears said providers are given codes explaining why a claim was denied, and that with larger denials, the department will reach out to providers to explain.

"I can't have my folks explaining how to bill Medicare or a third party, but what I can tell you is that now that we have moved to a national code set, it's easier for them to bill those services," she said.

The administration's comments didn't quell the Ohio Council's concerns about the plan to move ahead with the next step of the behavioral health redesign. CEO Lori Criss also pointed to prompt payment issues with one managed care plans as raising questions about the planned July 1 managed care carve-in. (See separate story)

"Today's discussion at JMOC reinforced that the state, managed care plans, and providers are not yet showing full signs of readiness for a July 1 move to managed care, especially with fewer than 8% of providers shown as being in a position to serve the same capacity that they served last year at this time," she said in an email.

"It's stunning to think that the administration can declare readiness when at the same time revealing that the Ohio Department of Medicaid has known for months but not shared that CareSource, which covers over 50% of Ohioans on Medicaid Managed Care, has violated their timely payment requirements."

Prompted by the council's survey, one Democratic lawmaker also announced Thursday that he would ask ODM to delay the planned carve-in by six months.

"Logistical issues during the rollout of the redesign plan have wreaked havoc on our healthcare providers, threatening care and forcing many to eliminate staff and essential services," Rep. Thomas West (D-Canton) said in a statement. "This is especially troublesome at a time when we continue to battle our worst-in-the-nation opioid crisis. Extending Phase I by six months will allow us to iron out the issues and refocus our efforts on what truly matters-delivering quality, affordable healthcare to Ohio families."

#### **Retirement Study Council Approves 2019 Budget**

The Ohio Retirement Study Council will see a slight spending increase under a budget approved by members Thursday.

The panel signed off on the \$781,800 budget request with little discussion after council Director Bethany Rhodes walked members through an overview. The annual increase is just above 1%, or \$8,450. The council receives no legislative appropriations and is funded through the plans' investment earnings.

The School Employees Retirement and the State Teachers Retirement systems also presented current drafts of their own budget proposals. Rising insurance costs, additional staff training expenses and increasing bank fees appear to be the common themes. (Committee Documents)

Rep. Rick Carfagna (R-Westerville) applauded the ORSC's budget for zeroing out a line item previously put aside for communication products like phones and internet.

Ms. Rhodes explained that because the council relocated to a state office building, it no longer needs to rely on a private vendor for those services. She said, however, that the line item would remain in the budget in case the council should relocate at some point in the future.

Ms. Rhodes said she was also successful in following through on members' prior instructions to attempt to extend the contract of the council's two actuaries - PTA/KMS and RVK - which were to expire in August. She said both agreed to extend the contracts another five years at the current rate.

**Other systems:** Representatives of the School Employees Retirement System and State Teachers Retirement System shared their own budget projections with the council, although SERS CFO Tracy Valentino said that system's proposal is still a work in progress and will likely be lower when it returns for council consideration.

SERS' proposed operating budget increased 4.3% over the current year, partly attributable to a 4.7% increase in personnel costs and a 5.5% increase in health insurance. All told, the total budget clocks in at just more than \$34 million - up from \$32.9 million the year prior.

Member Thomas Pascarella questioned Ms. Valentino on the increase in banking fees the system has seen. She replied that as the assets grow, so too do the custodial and related fees.

STRS CFO Paul Snyder said the system is eyeing a 2.2% increase - up from \$99.9 million to \$102 million - for its 2019 budget. He said the system has trimmed six full-time equivalent positions thanks to online efficiencies and teacher retirements - a fact Sen. Steve Wilson (R-Maineville) praised.

**Recommendations:** Senior Research Associate Jeff Bernard outlined staff's recommendation to remove a provision in the Ohio Revised Code requiring Highway Patrol Retirement System to conduct an annual adequacy contribution rate report.

Those reports, Mr. Bernard suggested, are duplicative and costly. The council, he noted, would still have the ability to request such a report if the change were adopted. System Executive Director Mark Atkeson said he supports the proposal.

Rep. Kirk Schuring (R-Canton) said the issue will be discussed at the group's next meeting along with whether similar requirements for other systems should likewise be eliminated.

The council also voted to recommend lawmakers modify maximum statutory penalties for systems failing to transmit either employee or employer contributions.

#### **State Offers Guidance On Mental Health, Firearms, Chronic Pain Rule Available For Comment...**

The Department of Mental Health & Addiction Services issued guidance this week to help mental health practitioners with questions surrounding mental illness and firearms.

The memo comes as the debate over firearms and particularly mass shootings continues at the state and federal level.

ODMHAS Medical Director Dr. Mark Hurst wrote to providers that the discussion demonstrates the important role they play in the conversation and in the prevention of violence.

Statistics show a relatively small number of violent acts directed toward others are committed by people with mental illness, and that people with mental illness are much more likely to use firearms to take their own lives, he wrote.

"When individuals with certain mental illnesses are actively experiencing symptoms, they may be impulsive, misperceive reality and have impaired judgment. If firearms are available, the risk to themselves and others increases markedly," he wrote.

"Health care providers have no duty more important than to maintain the wellness and safety of patients, families and the communities where they reside. This duty is accomplished by providing effective treatment for psychiatric disorders and substance use problems, as well as remembering our duty to address the risk that exists from access to firearms for those under mental health treatment."

Dr. Hurst recommended patients and their families be advised of the risks posed by firearm access, and the importance of mitigating them. He also stressed the importance of ensuring relevant documents are submitted to the Bureau of Criminal Investigation in the case of an involuntary commitment.

"While our clinical interventions alone will not eliminate all firearm-related injuries and deaths, they most certainly eliminate some of them," he wrote. "Even one life saved is worth it."

**Chronic Pain Rules:** The Ohio State Dental Board posted draft rules of proposed new regulations on the prescribing of opioid medications for chronic and subacute pain.

The proposed rules were announced last week by Gov. John Kasich and medical professional boards. They create a framework of checkpoints for prescribers when authorizing progressively stronger doses of opioid pain relievers. (See Gongwer Ohio Report, May 2, 2018)

Comments on the rules can be sent to the dental board via email with the rule number in the subject line, and with the Common Sense Initiative copied on the email. Comments will be accepted through Friday, May 18.

The board also expects to hold a public hearing on the rule in July.

**Medicaid Waivers:** A report by Policy Matters Ohio questioned research cited by federal health care regulators in supporting Medicaid waivers imposing work requirements on certain members.

PMO claimed the Centers for Medicare and Medicaid Services misstated or misinterpreted the findings of various academic studies in justifying a move toward additional work requirements for Medicaid members.

"Medicaid's mission is to improve the health of Americans struggling to make ends meet," Wendy Patton, PMO senior project director, said in a statement. "Good health is a precondition for work, not a reward for it. Nothing in academic literature justifies CMS's plan. In fact, in many cases, the research shows why this policy is flawed."

#### **Agency Briefs: AG Approves Petition For Legalized Pot Issue; Arts Council Gets Nearly \$1 Million NEA Grant; Auditor; ODA; DAS**

A resubmitted petition summary for a ballot issue to legalize marijuana in Ohio was approved Thursday by Attorney General Mike DeWine.

Backers of the proposed constitutional amendment, titled "Marijuana Rights and Regulations," will be cleared to begin collecting signatures after the Ohio Ballot Board determines whether the language requires a single or multiple issues.

Mr. DeWine's office determined that, unlike the committee's first attempt, the new petition summary represented "a fair and truthful statement of the proposed law."

Under the proposed amendment, which also prescribes how governments can restrict the use of marijuana in ways similar to alcohol-related laws, a new Ohio Constitution section would "endow the Rights of persons in Ohio age 21 and older to possess, cultivate, process, use, transport, sell, purchase and share marijuana in Ohio...."

**Ohio Arts Council:** For the ninth consecutive year, OAC is celebrating the award of the second-largest partnership agreement grant from the National Endowment for the Arts.

The \$995,800 received to help support arts initiatives throughout the state tops the amount granted to larger states such as Texas, Florida, New York, Illinois and Pennsylvania, OAC reported. (Details)

"Ohio has a long tradition of securing nearly \$1 million annually through the State and Regional Partnership Agreement program from the National Endowment for the Arts. We are proud to receive the largest award in the Midwest and the second largest award in the nation, OAC Executive Director Donna S. Collins said in a statement.

"Every dollar we earn from the NEA is invested in the arts statewide through our grantees. The federal investment in the arts in Ohio is important, not just the Ohio Arts Council grant award, but the 16 grants given this cycle in a variety of categories to arts organizations across Ohio."

**State Auditor:** Dave Yost has placed the Village of Bridgeport in Belmont County on the state's "unauditable" list due to a lack of documentation.

"During the course of the regular financial audit of the Village of Bridgeport for the period Jan. 1, 2016, through Dec. 31, 2017, the Auditor of State's office determined that the condition of the village's financial records was not adequate to complete the audit," his office reported. In a letter to the village, the Auditor's office provided a list of information required to complete the audit.

"Complete financial records shine a light on local governments," Auditor Yost said in a release. "Taxpayers should not be left in the dark on how their dollars are being spent."

The village has 90 days to respond to the letter by revising its financial records and providing the required data. Failure to do so could result in legal action.

In a separate release, Mr. Yost announced that Nicholas Szabo, the former city auditor of London in Madison County, pleaded guilty to theft in office "for his failure to reimburse the city for his health insurance costs and for an unauthorized pay increase for a fellow employee."

Mr. Szabo resigned in December. The auditor said he will be sentenced on the fourth-degree felony violation on June 7.

Mr. Yost also announced this week that a special audit of Mt. Sterling was recognized by the National State Auditors Association with an Excellence in Accountability Award.

"The award recognizes the office's work in uncovering extensive corruption and almost \$1 million in illegal spending at the small Madison County village," his office reported. "The special audit was instrumental in securing the convictions of four administrators

and employees, including former Mayor Charles Neff and former Village Administrator Joseph Johnson."

"The exemplary professionals of my office continually get results - and justice - for Ohio's taxpayers," Auditor Yost said. "This recognition from their peers is evidence of the first-rate work rooted in every audit and investigation they perform."

**Department of Agriculture:** The agency reported Thursday that an invasive species of hemlock-killing insects had been discovered in Adams County.

The hemlock woolly adelgid, an aphid-like Asian insect first reported in the U.S. in 1951, has devastated the trees in areas along the Appalachian Mountains and has been detected in 20 states.

The infestation in Adams County was discovered through the survey work being conducted by the ODNR Division of Forestry in Shawnee State Forest. The bugs were first detected in a forested setting in Ohio in Meigs County in 2012, the agency reported.

"At this time, ODA will move to expand its hemlock quarantine, enforced by ODA's Plant Health division, to include Adams County," ODA reported. "Ohio quarantine regulations restrict the movement of hemlock materials from areas known to be infested with HWA into non-infested Ohio counties. Ohio's quarantine law also requires hemlock materials to be inspected and officially certified before being shipped, verifying that the plant material is free of HWA when entering Ohio."

The agency separately announced that aerial treatments designed to control the gypsy moth population would begin soon in 54 acres in Franklin County. The treatments are administered using a low-flying aircraft and will likely take place during early morning hours, ODA said.

The department said it will use Foray (Btk), a naturally occurring bacterium found in the soil that interferes with the caterpillars' feeding cycles, adding that the substance is not toxic to humans, pets, birds or fish.

**Administrative Services:** The state will hold next miscellaneous surplus property auction on Saturday at the DAS General Services Division headquarters, 4200 Surface Rd. in Columbus.

Scaffolding and a Delta RS-15 shaper are among the unique items being sold at the auction, which also features "a wide variety of computer equipment (e.g., laptops, monitors and printers) and electronic appliances (e.g., copiers, digital cameras, DVD players, audio and video equipment and mobile radios).

Doors open at 8 a.m. and the auction begins at 9 a.m. More details are available on the DAS website.

## **Governor's Appointments**

**State Dental Board:** Andrew W. Zucker, DDS of Sandusky for a term beginning May 10, 2018, and ending April 6, 2022 and Canise Y. Bean, DMD, MPH of Columbus and Faisal A. Quereshy, MD, DDS of Richfield for terms beginning May 10, 2018, and ending April 6, 2022.

**University of Akron Board of Trustees:** Cindy P. Crotty of Cleveland Heights has been appointed to the for a term beginning May 10, 2018, and ending July 1, 2026.

#### **Gongwer Statehouse Job Market Updated**

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com).

#### **Supplemental Agency Calendar**

**Monday, May 14**

State Board of Education, 25 S. Front St., Columbus, 8:30 a.m.

**Tuesday, May 15**

State Board of Education, 25 S. Front St., Columbus, 8:30 a.m.

**Wednesday, May 16**

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

**Thursday, May 17**

Aerospace & Aviation Technology Committee, Rm. 017, Statehouse, Columbus, 1:30 p.m.

17 S. High St., Suite 630

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Click the  after a bill number to create a saved search and email alert for that bill.

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## **Daily Activity Planner for Friday, May 11**

### **Legislative Committees**

No legislative committees scheduled.

### **Agency Calendar**

**Small Government Capital Improvements Commission, OWDA offices, 480 S. High St., Columbus, 10:30 a.m.**

### **Event Planner**

**YMCA Youth & Government Model United Nations, Statehouse, Columbus**

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## Legislative Committee Schedules beginning 5/11/2018

### Monday, May 14

Joint Committee on Agency Rule Review (Committee Record) (Chr. Uecker, J., 644-6030), Senate Finance Hearing Rm., 1:30 p.m.

### Tuesday, May 15

Senate Insurance & Financial Institutions (Committee Record) (Chr. Hottinger, J., 466-5838), Finance Hearing Rm., 9:30 a.m.

- SB 275** **NURSE ANESTHETISTS** (Burke, D.) Regarding the authority of certified registered nurse anesthetists to administer drugs in addition to anesthesia and to select and order certain other drugs. (1st Hearing-Sponsor)
- SB 247** **PERS HEALTH CARE** (Dolan, M.) To require the Public Employees Retirement System to permit certain spouses of retired or deceased members to continue receiving allowances to pay for health care expenses under the System's group health care plans. (1st Hearing-Sponsor)
- SB 263** **NOTARY PUBLIC** (Huffman, M., Wilson, S.) To enact the Notary Public Modernization Act. (3rd Hearing-All testimony-Possible amendments & vote)
- SB 265** **PHARMACY SERVICES** (Dolan, M.) To permit certain health insurers to provide payment or reimbursement for services lawfully provided by a pharmacist and to recognize pharmacist services in certain other laws. (2nd Hearing-Proponent)
- SB 273** **RATING AGENCIES** (Hackett, B.) To enact for the Revised Code a definition of the term "rating agency." (2nd Hearing-Proponent)

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 2:30 p.m.

- Confirmation hearing on governor's appointments of John Adams, CFA, Ohio Higher Educational Facility Commission; Rachel Bankowitz and Donald Brogan, RA, Ohio Historic Site Preservation Advisory Board; Charles Bills, Owens State Community College Board of Trustees; Thomas Carroll, Housing Trust Fund Advisory Committee; Rachel Cummings, Southern State Community College Board of Trustees; Matthew Davis, Ohio Business Gateway Steering Committee; Terrence Fergus, Cleveland State University Board of Trustees; Charles George, Youngstown State University Board of Trustees; Matthew Kirby, CFP, Ohio Tuition Trust Authority; Gary Lindgren and David Scholl, Third Frontier Commission; Austin McClain, Ohio University Board of Trustees; Jill Neff and Joshua Smith, Rio Grande Community College Board of Trustees and Rick Ritzler, Columbus State Community College Board of Trustees

- SB 296** **LAW ENFORCEMENT BENEFITS** (LaRose, F., Hottinger, J.) To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (1st Hearing-Sponsor)
- HB 318** **SCHOOL RESOURCE OFFICERS** (Patterson, J., LaTourette, S.) To define the necessary qualifications and responsibilities of school resource officers, to require the

Facilities Construction Commission to study and report on school building security upgrades and to make an appropriation. (1st Hearing-Sponsor)

**SB 299** **WATER IMPROVEMENTS** (Gardner, R., O'Brien, S.) To allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund, and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. (1st Hearing-Sponsor & proponent)

**HB 353** **UNCLAIMED FUNDS** (Reineke, B.) To exempt certain open-loop prepaid cards, closed-loop prepaid cards, and rewards cards from the Unclaimed Funds Law. (3rd Hearing-Opponent)

**SB 246** **STUDENT REMOVAL** (Lehner, P., Manning, G.) To enact the "SAFE Act" to revise the procedures for emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation. (4th Hearing-All testimony-Possible amendments)

House Federalism & Interstate Relations (Committee Record) (Chr. Roegner, K., 466-1177), Rm. 115, 4 p.m.

**HB 580** **GRANT APPLICATIONS** (Thompson, A.) To establish procedures that executive agencies must follow when applying for grants, to require the Governor to approve any major grant application, and to permit the Governor to disapprove any minor grant application. (1st Hearing-Sponsor)

**HCR 26** **JERUSALEM** (Faber, K., Keller, C.) To recognize Jerusalem as the capital of the State of Israel. (1st Hearing-Sponsor)

**HB 228** **GUN LAWS** (Johnson, T., LaTourette, S.) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. (6th Hearing-All testimony)

**HB 85** **HEALTH CARE COMPACT** (Rutherford, W.) To enter into the Health Care Compact. (2nd Hearing-All testimony-Possible vote)

House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.

**HB 544** **SCHOOL SAFETY STANDARDS** (Rogers, J., Perales, R.) To require the State Board of Education to adopt rules prescribing standards for safety enhancements to new public and nonpublic school facilities and to require the Ohio Facilities Construction Commission to revise its construction and design standards to comply with the State Board's standards. (1st Hearing-Sponsor)

SB 216 **SCHOOL REGULATIONS** (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs. (1st Hearing-Sponsor)

HB 517 **MONTH DESIGNATION** (Schaffer, T., Leland, D.) To designate the month of October as "Ohio Principals Month." (2nd Hearing-All testimony-Possible amendments & vote)

HB 540 **TEACHER EVALUATIONS** (Gavarone, T., Manning, N.) With regard to teacher evaluations. (3rd Hearing-All testimony-Possible amendments & vote)

HB 591 **SCHOOL REPORT CARDS** (Duffey, M.) To revise the state report card rating system for school districts and public schools. (1st Hearing-Sponsor & proponent-Possible substitute-Pending referral)

Senate Agriculture (Committee Record) (Chr. Hackett, B., 466-3780), South Hearing Rm., 4 p.m.

HB 392 **APIARY DAMAGES** (Stein, D.) To grant specified apiary owners immunity in personal injury or property damage cases involving bee stings. (2nd Hearing-Proponent)

HB 506 **DOG BREEDERS** (Hill, B.) To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)

## Wednesday, May 16

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m.

SB 135 **VOTING EQUIPMENT** (LaRose, F.) To make supplemental operating appropriations for the FY 2018-FY 2019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program. (1st Hearing-Sponsor & proponent-Pending referral)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11:15 a.m.

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), North Hearing Rm., 3 p.m. or after session

- Confirmation hearing on governor's appointments of Timothy Staup, Motor Vehicle Salvage Dealers Licensing Board and Norman Lane, State Fire Council

SB 293 **ADMINISTRATIVE REGULATIONS** (Peterson, B., McColley, R.) To require agencies to reduce the number of regulatory restrictions. (1st Hearing-Sponsor)

SB 295 **ROAD NAMING** (Hottinger, J.) To designate a portion of State Route 93 in Tuscarawas County as the "PFC Oscar F. Nicewander Memorial Highway" and a portion of State Route 520 in Holmes County as the "Cpl. Jerry Robert Spitzer Memorial Highway." (1st Hearing-Sponsor)

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), South Hearing Rm., 3:15 p.m. or after session

HB 360 **BULLYING** (Greenspan, D.) To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (1st Hearing-Sponsor)

HB 87 **COMMUNITY SCHOOLS** (Roegner, K.) Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. (2nd Hearing-Proponent)

HB 438 **ESC BOARDS** (Hambley, S., Kick, D.) To permit the addition of appointed members to educational service center boards, to permit a local school district to sever its territory from one educational service center and annex that territory to an adjacent service center under specified conditions, and to authorize educational service centers to establish local professional development committees. (2nd Hearing-All testimony-Possible amendments & vote)

HB 21 **COMMUNITY SCHOOLS** (Hambley, S.) Regarding verification of community school enrollments. (5th Hearing-All testimony-Possible amendments & vote)

**House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 113, 3:30 p.m. or after session**

HB 527 **VISITATION RIGHTS** (LaTourette, S.) To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. (1st Hearing-Sponsor)

HB 572 **RETIREMENT CREDIT** (Scherer, G., Howse, S.) Regarding Public Employees Retirement System service credit for services as a nonteaching school employee of a county board of developmental disabilities. (1st Hearing-Sponsor)

SB 158 **ELDER FRAUD** (Wilson, S.) To develop best practices and educational opportunities to combat elder fraud and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (1st Hearing-Sponsor)

### Thursday, May 17

**Joint Ohio College Affordability Committee (Chr. Wilson, S., 466-9739), Senate Finance Hearing Rm., 10 a.m.**

- Presentation from Chancellor John Carey on past and current initiatives to reduce the cost of college education  
**Canceled: House Session-(Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1 p.m.**
- If needed

### Tuesday, May 22

**Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.**

- If needed  
**Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.**
- If needed

### Wednesday, May 23

**Joint Education Oversight Committee (Committee Record) (Chr. Manning, G., 466-8150), North Hearing Rm., 8:30 a.m.**

- Presentation by State Superintendent Paolo DeMaria and update on progress of other research projects (tentative)  
**Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.**

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1:30 p.m.  
Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

**Thursday, May 24**

**House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1 p.m.**

**NOTE:** Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the [L](#) after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

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**From:** Thomas, AJ  
**Sent:** Friday, May 11, 2018 11:50 AM  
**To:** Thomas, AJ  
**Subject:** Deconstructing the Administrative State Luncheon  
**Attachments:** Deconstructing Admin State Lunch Invite.pdf

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House Bill 580, adds oversight and transparency to Ohio executive agencies' applications for federal grants, in an effort to control the rise of the administrative state. The discussion will include how the bureaucracy of our federal and state governments has grown over time, and how this administrative growth has specifically hurt the State of Ohio through federal grants and mandates. We will discuss how HB580 will help address the problem we have with a rising administrative state, and institute oversight via the executive branch.

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WHEN: Wednesday May 23<sup>rd</sup> from 11:00-12:15

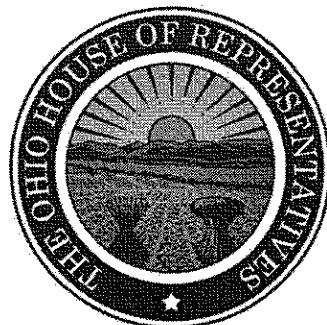
WHO: All Members and Staff are invited

Please RSVP to AJ Thomas ([AJ.Thomas@ohiohouse.gov](mailto:AJ.Thomas@ohiohouse.gov)) by Friday May 18<sup>th</sup> so we may have a count for lunch.

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Andy Thompson  
State Representative  
House District 95



Subj: Deconstructing the Administrative State Panel Discussion and Luncheon

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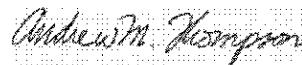
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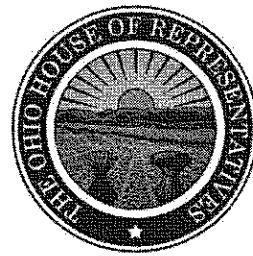
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AMERICAN  
PRINCIPLES  
PROJECT



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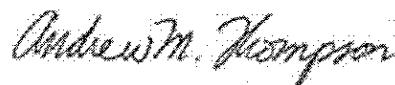
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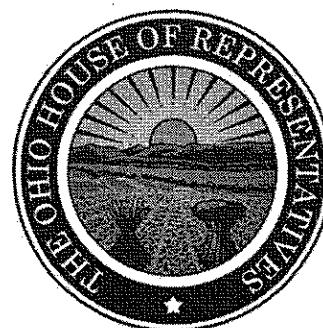
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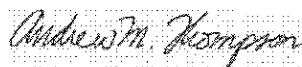
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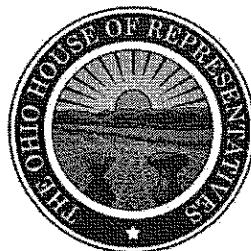
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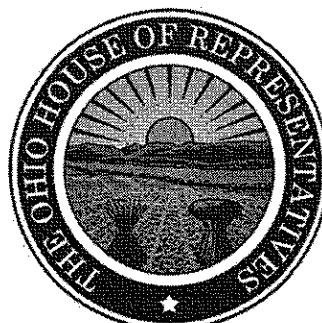
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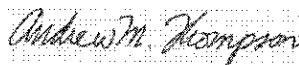
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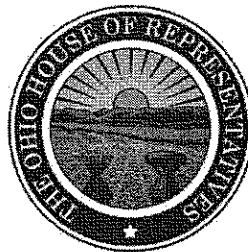
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**From:** Ohio Municipal League  
**Sent:** Friday, May 11, 2018 1:43 PM  
**To:** Kasych, Shawn  
**Subject:** Ohio Municipal League Legislative Bulletin

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## Legislative Bulletin

**May 11, 2018**

### OML UPDATE AT-A-GLANCE

Here are the top three things you need to know from this past week:

- According to the Ohio Office of Budget and Management, overall revenues for April topped \$3 billion, which is 6.5% (\$183 million) more than was projected for the month.

- The Ohio EPA has awarded \$3.9 million in grants to 60 different municipalities, businesses and nonprofits across Ohio to promote recycling and litter-prevention efforts.
- By way of reminder, Ohio House of Representatives will be electing a new Speaker of the House in a Republican caucus meeting next week on May 15<sup>th</sup>, followed by an election held before the full House on May 16<sup>th</sup>. The League will alert our members to the outcome of the election.

## **OHIO HOLDS PRIMARY ELECTION**

On Tuesday, Ohioans voted for candidates competing in local, state and federal primary elections. The state's election results were closely watched by the nation thanks not only to the primary races for contested congressional seats, but also because of the gubernatorial race to replace term-limited Governor John Kasich as he ends his term as governor.

The two gubernatorial candidates that will face each other in the general election are Republican Mike DeWine and Democrat Richard Cordray. DeWine beat current Lt. Governor Mary Taylor in the Republican primary, while Cordray beat out former Congressman Dennis Kucinich as well as former Ohio Supreme Court Judge Bill O'Neil and current Ohio State Senator Joe Schiavoni (D - Boardman).

Some of the more high-profile primaries included the race between U.S. Rep. Jim Renacci (R - Alliance) and Mike Gibbons for a U.S. Senate seat. Renacci won the primary vote over the Republican businessman and will face U.S. Senator Sherrod Brown (D - Cleveland) in the general election in November.

A great many Ohio House of Representatives and Senate seats had primary contests as well. You can access a full list of all the winner and runners-up in each primary election across the state if you click [HERE](#). We want to congratulate those who ran successful campaigns and have advanced into the general election. We hope that each and every candidate continues to work to champion a safe and prosperous Ohio by working with municipal leaders around the state. Healthier cities and villages mean a healthier Ohio, and we look forward to working with local, state and federal leaders to ensure a bright future for Ohio.

## **KASICH SIGNS EXECUTIVE ORDER, SIGNALS INTENT OF MUNICIPAL PREEMPTION**

This Wednesday, Governor Kasich signed an executive order which established the rules governing the testing of autonomous vehicles in Ohio. Per this order, any company that registers and files insurance and safety information with Kasich-created entity DriveOhio will be allowed to test autonomous vehicles on any public road throughout the state.

The order also creates the Ohio Autonomous Vehicle Pilot Program under DriveOhio to connect municipalities willing to host the testing of autonomous vehicles within their jurisdictions with the companies testing those vehicles. The program is currently voluntary. However, during the announcement of this executive order, Kasich said he will be seeking to prevent municipalities from passing local laws banning the use of driverless vehicles.

Kasich said driverless cars are "21<sup>st</sup> century technology" and cited their potential to save lives by reducing the number of car crashes. This executive order, according to the governor, is meant to ensure Ohio is not left out of a forthcoming expansion of driverless vehicles across the nation. To find out more about this program, you can click [HERE](#).

### **NEW LEGISLATION OF MUNICIPAL INTEREST INTRODUCED**

Here is the new legislation introduced this week of interest to municipalities:

- **SB 296 - LAW ENFORCEMENT BENEFITS.** Sponsored by Sen. LaRose (R - Hudson) and Sen. Hottinger (R - Newark), revises the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state.
- **HJR 16 - WATER IMPROVEMENTS.** Sponsored by Rep. Arndt (R - Port Clinton) and Rep. Patterson (D - Jefferson), this joint resolution would enact Section 2t of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to fund clean water improvements.

### **BILLS OF MUNICIPAL INTEREST HEARD IN COMMITTEE**

Here are the bills heard in committees this week:

- SB 252 - VISITORS BUREAUS. Sponsored by Sen. Peterson (R - Sabina), this bill would authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices. During its fourth hearing before the Senate Ways and Means Committee, Americans for Prosperity testified in opposition to the bill. An amendment that allows county and municipal fiscal auditors to disclose tax return information for hotels subject to lodging tax upon request was adopted unanimously into the bill. The League is neutral on this legislation.
- HB 133 - DISASTER RELIEF ACT. Sponsored by Rep. Ryan (R - Newark), this bill would create the Disaster Relief Act to exempt out-of-state disaster businesses and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster. During its fourth hearing before the Senate Ways and Means Committee, no testimony was given on the bill. The League is neutral on this legislation.
- HB 351 - MILITARY TAX EXEMPTION. This bill, sponsored by Rep. Perales (R - Beavercreek) and Rep. Butler (R - Oakwood), this bill would require municipal corporations to exempt from taxation the military pay of members of the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service. During its first hearing before the Senate Ways and Means Committee, both sponsors of the bill testified on the bill and answered the committee's questions. The sponsors explained that this bill has little projected impact on municipal revenues as less than 80 individuals throughout the state would qualify for this exemption. The League is neutral on this legislation.
- HB 226 - FIREWORKS LAW. Sponsored by Rep. Seitz (R - Cincinnati) and Rep. Sweeney (D - Cleveland), this bill would establish a fireworks study group to review and make recommendations regarding the Fireworks Law, extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. During its third hearing before the

Senate Government Oversight and Reform Committee, opponents testified against the bill, citing safety concerns. The League is neutral on this legislation.

- **SB 268 - THEFT IN OFFICE.** This bill, sponsored by Sen. Wilson (R - Maineville), would expand the increased penalties for theft in office based on the amount of property or services stolen and to include as restitution certain audit costs of the entity that suffered the loss involved in the offense. During its third hearing before the Senate Government Oversight and Reform Committee, no testify was given on this bill. The League is supportive of this legislation.

### **OML REGIONAL CONFERENCES COMING SOON**

In the next few months, the OML will be holding regional conferences throughout the state to bring important elements of our Annual Conference right to the doorstep of the local leaders who serve Ohio's cities and villages.

The goal of these Regional Conferences is to provide an opportunity for League members prevented from attending our three-day Annual Conference held in downtown Columbus by either distance or time constraints but know it is important to receive the timely information and access to resources that the conference provides. In an attempt to reach our members unable to attend the Annual Conference, we have put together a single day program of general session topics with presentations by featured speakers who are experts in their municipal sectors.

The regional conferences are an invaluable opportunity for municipal officials statewide to have the ability to be presented with critical information directly related to the success of their own communities, as well as connect and network with other local leaders in their area. This opportunity is not limited to League members who cannot come to Columbus but is a great opportunity for all municipal and local government officials to refresh their skill sets and get the most recent information on critical topics.

Registration information including the conference agenda can be accessed [HERE](#). This is the last week to register for the southeastern regional conference next week!

The dates and locations for the four Regional Conferences are as follows:

- Southeast: Friday, May 18<sup>th</sup> at the Ohio University Conference Center in Athens.
- Southwest: Friday, June 8<sup>th</sup> at the Manor House Banquet Center in Mason.

- Northeast: Friday, June 29<sup>th</sup> at the Pro Football Hall of Fame in Canton.
- Northwest: Friday, August 17<sup>th</sup> at the Hancock Hotel in Findlay.

We encourage you to sign up as soon as possible, as space will be limited, and we look forward to seeing you there!

### **SCENIC BYWAYS ADVISORY SUBCOMMITTEE PROPOSES CHANGE TO CODE LANGUAGE**

The Scenic Byways Advisory Committee held a subcommittee meeting this week to propose an update ORC § 5516.05. Below is the proposed language:

#### ***ORC §5516.05 draft language:***

*The director of transportation may designate any portion of the interstate system, national highway system, or primary system a state or locally-maintained vehicular roadway corridor as a scenic byway.*

*The director shall exclude from designation as a scenic byway any segment of a scenic byway in a zoned or unzoned commercial or industrial area that is determined by the director to be inconsistent with the designation of a scenic byway.*

*No advertising device may be erected upon a designated scenic byway, except in accordance with division (A), (B), or (C) of section 5516.02 of the Revised Code, division (A), (B), (C), (D), (E), or (G) of section 5516.06 of the Revised Code, or division (A), (B), (C), or (D) of section 5516.061 of the Revised Code. Any advertising device lawfully in existence prior to the designation of a scenic byway, upon such designation, is a nonconforming advertising device under section 5516.07 of the Revised Code.*

Please send all comments on this proposed change by Thursday, May 24<sup>th</sup> to Thomas P. Barrett, Historic Bridge Program Manager and State Byways Coordinator in the ODOT Office of Environmental Services. You can email him at [Tom.Barrett@dot.ohio.gov](mailto:Tom.Barrett@dot.ohio.gov).

**COMMITTEE SCHEDULE FOR THE WEEK OF MAY 13, 2018**

**Tuesday, May 15, 2018**

**HOUSE WAYS AND MEANS**

Tue., May. 15, 2018, 10:00 AM, Hearing Room 121  
Rep. Schaffer: 614-466-8100

**TAX CREDIT-VOLUNTEER FIREFIGHTER/EMS (KELLER C, REZABEK J)** To grant income  
**HB575\*\*** tax credits to persons who serve as volunteer firefighters or emergency medical service technicians.

**First Hearing, Sponsor Testimony**

**SENATE JUDICIARY**

Tue., May. 15, 2018, 10:15 AM, North Hearing Room  
Sen. Bacon: 614-466-8064

Governor's appointment:

- Randy McPeek to the Ohio Private Investigation and Security Services Commission

**THREATENING UTILITY WORKERS (REZABEK J, GREENSPAN D)** To expand the offense  
**HB276\*\*** of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility.

**Second Hearing, Proponent Testimony**

**SENATE FINANCE**

Tue., May. 15, 2018, 2:30 PM, Senate Finance Hearing Room  
Sen. Oelslager: 614-466-0626

**OFFICER DEATH BENEFIT FUND REVISIONS (LAROSE F, HOTTINGER J)** To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death  
**SB296\*\*** Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state.

**First Hearing, Sponsor Testimony**

**LAKE ERIE PROTECTION APPROPRIATIONS (GARDNER R)** To allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund, and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin.  
**SB299\*\***

**First Hearing, Sponsor/Proponent Testimony**

**HOUSE FEDERALISM AND INTERSTATE RELATIONS**

Tue., May. 15, 2018, 4:00 PM, Hearing Room 115  
Rep. Roegner: 614-466-1177

USE OF FORCE IN SELF-DEFENSE (JOHNSON T, LATOURETTE S) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, **HB228\*\*** and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises.

**Sixth Hearing, All Testimony**

**Wednesday, May 16, 2018**

**HOUSE STATE AND LOCAL GOVERNMENT**

Wed., May 16, 2018, 8:30 AM, Hearing Room 114

Rep. Anielski: 614-644-6041

PROSECUTING ATTORNEY-REGIONAL AUTHORITY ADVISER (PERALES R, HAMBLEY S) To allow a county prosecuting attorney to enter into a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser, **HB543\*\***

**Third Hearing, All Testimony, POSSIBLE VOTE**

LOCAL OFFICIALS-INCOMPATIBLE OFFICES (HAMBLEY S, ARNDT S) To authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices, **HB530\*\***

**Fourth Hearing, All Testimony**

**SENATE WAYS AND MEANS**

Wed., May 16, 2018, 9:00 AM, South Hearing Room

Sen. Eklund: 614-644-7718

PROPERTY VALUE CONTEST-RESOLUTIONS (MERRIN D) To require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners, **HB343\*\***

**First Hearing, Sponsor Testimony**

DISASTER RELIEF ACT (RYAN S) To create the Disaster Relief Act to exempt out-of-state disaster businesses and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster, **HB133\*\***

**Fifth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE**

NOAA AND PHS TAX EXEMPTION (PERALES R, BUTLER, JR. J) To require municipal corporations to exempt from taxation the military pay of members of the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service, **HB351\*\***

**Second Hearing, All Testimony**

**HOUSE CIVIL JUSTICE**

Wed., May. 16, 2018, 3:00 PM, Hearing Room 121

Rep. Butler, Jr.: 614-644-6008

OR AFTER SESSION

**EMERGENCY VEHICLE LIGHTS AND SIRENS (HENNE M)** To modify the defense to the liability of a member of a police or fire department or emergency medical service of a political subdivision for the negligent operation of a motor vehicle in response to an emergency by requiring that the vehicle has its lights and sirens simultaneously activated.

**Fourth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE**

**HB482\*\* PUBLIC NUISANCE AND BLIGHT FORECLOSURE (LIPPS S)** To expedite public nuisance and blight foreclosure actions and to declare an emergency.

**First Hearing, Sponsor Testimony**

**HB554\*\* PUBLIC DESIGN CONTRACTS-INDEMNITY (SEITZ B)** To regulate the use of indemnity provisions in professional design contracts related to public improvements.

**Second Hearing, Proponent Testimony**

**CHECK MONDAY FOR ANY CHANGES TO THE COMMITTEE SCHEDULE**

### Up Coming Meetings & Events

<b>Regional Summer Conference Series</b>	<b>May 18, June 8, June 29, August 17</b>	<b><u>Registration Information</u></b>
<b>OML/OMAA Webinar Updates on ADA,FMLA, Title VII Accommodation...</b>	<b>May 17, 2018 10:00 am ~ 11:00 am</b>	<b><u>Registration Information</u></b>
<b>Mayors Association Annual Conference</b>	<b>June 13 ~ 15, 2018 Akron, Ohio</b>	<b><u>Registration Information</u></b>

### Ohio Municipal League

Legislative Inquires:

Kent Scarrett, Executive Director

Edward Albright, Deputy Director

Ashley Brewster, Director of Communications

Rachel Massoud, Legislative Advocate

Website/Bulletin Issues:

Zoë Wade, Office Manager

Ohio Municipal League, 175 S. Third Street, Suite 510, Columbus, OH 43215

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**From:** Westlake, Libby  
**Sent:** Tuesday, May 15, 2018 8:56 AM  
**To:** Westlake, Libby  
**Subject:** E-Clips for 5/15/2018

## HOUSE E-CLIPS

5/15/2018



### **GOP Gov. KASICH TO SHARE OHIO PLAN TO HELP LEGAL IMMIGRANTS**

Ohio Gov. John Kasich is announcing an initiative aimed at helping legal immigrants successfully integrate in the state.

### **OHIO HOUSE GOP TO PICK NEW SPEAKER; LAST LEADER RESIGNED**

Republicans in the Ohio House are slated to vote on a new House speaker after the previous leader resigned amid an FBI inquiry surrounding his activities.



### **KASICH, DEWINE OPPOSE SPORTS BETTING; CORDRAY WOULD CONSIDER IT**

Can you imagine betting a few bucks — legally — on the Ohio State University football Buckeyes to cover the spread against That Team up North?

### **HUNDREDS GATHER AT STATEHOUSE TO MARK REBIRTH OF POOR PEOPLE'S CAMPAIGN**

Almost 50 years to the day after the original Poor People's Campaign marched on Washington, the current iteration of the movement descended on the Statehouse steps to call on the General Assembly to address the plight of the millions of people living in poverty.

### **HOUSE GOP DRAGGED INTO CONTENTIOUS TUESDAY SPEAKER VOTE**

The House speaker is one of the most powerful people in state government, and Ohio lawmakers are about to pick a new one in a rare mid-term replacement.

### **MANY STATE EMPLOYEES RECEIVE 8.7% RAISE OVER 3 YEARS**

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The Ohio auditor's office has finished collecting data for a criminal investigation of failed online charter school ECOT and placed the records in an evidence locker, where they can be

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Placing sports bets at Ohio casinos made giant leap toward becoming legal with a decision from the U.S. Supreme Court on Monday.

### MIKE DEWINE RAISED \$1 MILLION IN 72 HOURS FOLLOWING HIS GOP PRIMARY WIN, HIS CAMPAIGN SAYS

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### FORUM LOOKS TO FIND ANSWERS ON HOW TO GET MORE WOMEN INVOLVED IN POLITICS

Three politically astute women will share their insights into the disparity between men and women in politics at a Wednesday forum in Cleveland Heights.

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Want to bet on the Cincinnati Bearcats, Ohio State University Buckeyes or Cincinnati Bengals?

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Ohio's Greatest Online Newspaper

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**From:** Thomas, AJ  
**Sent:** Tuesday, May 15, 2018 9:34 AM  
**To:** Thomas, AJ  
**Subject:** RE: Deconstructing the Administrative State Luncheon

Make sure to respond by **this Friday 5/18** for a free lunch! See below:

---

**From:** Thomas, AJ  
**Sent:** Friday, May 11, 2018 11:50 AM  
**To:** Thomas, AJ <[AJ.Thomas@ohiohouse.gov](mailto:AJ.Thomas@ohiohouse.gov)>  
**Subject:** Deconstructing the Administrative State Luncheon

Hello! Had enough of bureaucracy? Tired of all the red tape? Concerned about rogue agencies seemingly operating impervious to oversight? I am, too!

A wise man once said, "There is no such thing as a free lunch," but he was wrong!

On Wednesday May 23<sup>rd</sup> there will be a panel discussion of HB580 featuring the American Principles Project's Erin Tuttle, Greg Lawson of The Buckeye Institute, and Micah Derry of Americans for Prosperity. It will be moderated by Representative Andy Thompson. There will also be a free lunch provided by the parties in question.

House Bill 580, adds oversight and transparency to Ohio executive agencies' applications for federal grants, in an effort to control the rise of the administrative state. The discussion will include how the bureaucracy of our federal and state governments has grown over time, and how this administrative growth has specifically hurt the State of Ohio through federal grants and mandates. We will discuss how HB580 will help address the problem we have with a rising administrative state, and institute oversight via the executive branch.

WHERE: 31<sup>st</sup> Fl. North Room

WHEN: Wednesday May 23<sup>rd</sup> from 11:00-12:15

WHO: All Members and Staff are invited

Please RSVP to AJ Thomas ([AJ.Thomas@ohiohouse.gov](mailto:AJ.Thomas@ohiohouse.gov)) by Friday May 18<sup>th</sup> so we may have a count for lunch.

We hope to see you there!



Andy Thompson